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ACTS OF THE GENERAL ASSEMBLY

OF THE

Commonwealth of Kentucky

PASSED AT

The Regular Session of the General Assembly, which was begun and held in the City of Frankfort, Kentucky, on Tuesday, January the Fourth, 1910, and ended on Tuesday, March the Fifteenth, 1910.



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ACTS OF THE GENERAL ASSEMBLY

OF THE

Commonwealth of Kentucky

PASSED AT

The Regular Session of the General Assembly, which was begun
and held in the City of Frankfort, Kentucky, on Tuesday,
January the Fourth, 1910, and ended on Tues-
day, March the Fifteenth, 1910.



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Acts of the General Assembly OF THE Commonwealth of Kentucky

PASSED AT THE REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH
WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, KENTUCKY, ON
TUESDAY, JANUARY THE FOURTH, 1910, AND ENDED ON TUESDAY,
MARCH THE FIFTEENTH, 1910

CHAPTER 1.

AN ACT to amend an act entitled "An Act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3 of an act entitled "An Act permitting warehousemen to commingle tobacco of like grades," approved March 25, 1908, be, and the same is amended, and the said act is amended by adding at the end of Section 3 thereof the following words: "And it is provided that any of such warehousemen may in such receipts agree and bind themselves to pay the person rightfully holding same and entitled thereto the value of the property described therein, in the event of loss or damage from any cause while in the possession of such warehousemen."

Insurance feature.

ACTS OF THE GENERAL ASSEMBLY.

So that said section when amended will read as follows:

“§ 3. All warehouse receipts so issued by any corporation, company, partnership or individual, engaged in the business as above set forth, shall be negotiable and transferable by endorsement in blank or by special endorsement, and with like liability as bills of exchange now are, and with like remedy thereon. And it is provided that any of such warehousemen may in such receipts agree and bind themselves to pay the person rightfully holding the same and entitled thereto the value of the property described therein, in the event of loss or damage from any cause while in the possession of such warehousemen.”

Emergency.

§ 2. Inasmuch as the tobacco crop in this Commonwealth is now being delivered to warehousemen, and the growers can not otherwise secure the benefit of this act, an emergency is declared to exist and this act shall take effect from and after its passage.

Approved March 4, 1910.

CHAPTER 2.

AN ACT to amend the school laws and to create Boards of Education and to define their duties in cities of the first class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

City of 1st class
to constitute one
School District.

§ 1. Every city in this State of the first class shall be and constitute a single school district, and the supervision and government of common schools, kindergartens, high schools, manual training schools and normal schools and all such school property therein shall be vested in a board of five members to be known as the “Board of Education of , Kentucky” (in which title the name of such

city shall be inserted). Such Board of Education shall be a body corporate and shall, by and in said name, sue and be sued, purchase, receive, hold and sell property, do all things necessary to accomplish the purpose for which such school district is organized, and succeed to all the property, rights and privileges granted to and belonging to any previous School Board of such city: Provided, that all pending suits in which any such previous School Board is a party, may be prosecuted to an end in the name of such party.

§ 2. Every such Board of Education shall have exclusive control of the common schools, including kindergartens, high schools, manual training schools and normal schools as hereinafter provided, and of common school property in such city; shall exercise generally all powers in the administration of the common school system therein, appoint such officers, agents and employes as it may deem necessary and proper and fix their compensation; and shall have power to fix the time of its meetings, to make, amend and repeal rules and by-laws for its meetings and proceedings, for the government, regulation and management of the common schools and school property in such city, for the transaction of its business, and for the examination, qualification and employment of teachers, which rules and by-laws shall be binding on such Board of Education and all parties dealing with it until formally repealed by an affirmative vote of four members of said Board: To provide for special and standing committees, and to certify to the General Council the amount of money necessary for the maintenance and improvement of the schools as hereinafter provided, and to purchase and hold all property, real and personal, necessary for the purposes of public education, to build and construct improvements for such purposes, and to hold or sell the same.

Powers of
Board of Educa-
tion.

§ 3. It shall also have power, when unable to con-

May condemn
property for
school purposes.

the proper accomplishment of the purpose for which said Board is created, to institute condemnation proceedings in accordance with the law governing railroad corporations incorporated under the laws of this Commonwealth; and to have in such proceedings the same rights, powers, privileges and restrictions as are now granted to or conferred upon such railroad corporations. Such Board of Education shall have all the powers of other school districts under the laws of this State, except as herein provided.

Eligibility of
members.

§ 4. No person shall be eligible to the office of member of the Board of Education, who has not attained the age of thirty years and one who is not a housekeeper or is not the owner of real estate in said city, and who is not a citizen of and a bona fide resident of this Commonwealth and of the city for which he is elected, for three years next preceding the election; or who holds or discharges any office, deputyship or agency under the city, or any district or county, or under the State of Kentucky, or any department thereof, or under the United States or any foreign government, except that of notary public or militia officer of Kentucky. No person shall be eligible to this office who, at the time of his election, is directly or indirectly interested in any contract with the Board, or who holds any office of trust or agency of or draws a salary from any corporation which holds any contract with the Board, or whose father, son, brother, wife, daughter or sister is employed as teacher, or in any other capacity by such Board, or in any of the public schools, or who is, directly or indirectly, interested in the sale to the Board of books, stationery or other property. If he shall, after election, become a candidate for any office or agency or for the nomination thereto, the holding and discharging of which would have rendered him ineligible before election, or if he shall remove out of the city for which he was chosen, or if he shall do or incur anything which would have rendered him ineligible for election, or if any of his

relatives above specified be employed by the Board, his office shall, without further action, be vacant and it shall be filled as directed.

§ 5. No compensation shall be paid to the members of the Board, but they shall be exempt from jury duty and from service as election officers during their term of office.

§ 6. The members of said Board of Education shall be elected, except as specified in Section 7 of this act, for the term of four years by the qualified voters of such city. They shall be elected from the city at large, and such election shall be held under the provisions of the general laws governing city elections, so far as they are not inconsistent with the provisions of this act.

§ 7. All elections for members of the Board of Education shall be by secret ballot, and the ballot shall be on a separate sheet from all other ballots to be used in any election. It shall be the duty of the County Clerk of any county, in which a city of the first class is situated, to cause to be printed on said ballot the names of all candidates for membership of the Board of Education of such city, in whose behalf he may be petitioned so to do in writing by not less than four hundred electors of said city. The petitions must be filed in the office of the County Clerk not more than sixty days nor less than fifteen days before the day of election, and each petition must be signed by the requisite number of qualified persons, and shall show the place of residence of each person signing it, and no person shall sign more petitions than the number of offices to be filled. If the nomination is to fill a vacancy, the petition shall so state. Where the same person shall be nominated for a full term and to fill a vacancy, he shall be accepted as a candidate for the full term.

Manner of
Election of
Board.

Said ballot shall be in the form prescribed for ballots by the general election law of the State, except that no party or other emblem or distinguishing mark shall be placed upon said ballot, save the words,

“School Ticket” at the head thereof; and that the names of all candidates for membership in the Board of Education shall be printed on said ballot in a single column. The names shall be printed on the first one hundred ballots as arranged in order by lot. On each of the succeeding one hundred ballots the names shall be printed in the same order, save that the last name on the preceding one hundred ballots shall be shifted to the first place; and so on thereafter throughout, a like change being made in the printed order of names for every one hundred ballots. As many additional lines shall be left blank as there are members to be elected.

The provisions of the general election law of the State of Kentucky as to the duties of County Clerks and other public officers in the matter of printing and distributing ballots, of the issuing them to voters, of receiving and depositing them in the ballot boxes, and of counting and preserving them, and in all other particulars, except as otherwise provided herein, shall be applicable in all respects to the election of members of the Board of Education: Provided, that it shall be the duty of the Sheriff of each county in which a city of the first class is situated, to provide for each precinct in said city a separate box for the reception of the ballots used in the election of members of the Board of Education. And Provided, further, that it shall be the duty of the judge of election of the opposite political party to the clerk of the election in each precinct to issue the school ballots in the same manner as other ballots are issued by the clerk of election by writing the name and the residence of the voter upon the primary stub, and his registered number upon the secondary stub of the school ballot, and by observing, as to these ballots, such other regulations for the issue and deposit of ballots as may be prescribed for elections generally. It shall be unlawful for an election officer or other person within the election booth to tell or to indicate by word of mouth or

otherwise to a voter what may be the political affiliations of any candidate, and a violation of this provision shall be a misdemeanor punishable by fine not exceeding two hundred dollars.

§ 8. Each voter may vote for as many of said candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected. If at any election a member is to be chosen to fill a vacancy and to serve out an unexpired term, candidates may be chosen as above provided, but they shall, in all cases, be designated on the ballots as candidates to fill a vacancy, and the date of the unexpired term shall be stated.

Further as to elections.

§ 9. At the general election occurring in the month of November, 1910, five members of the Board of Education shall be elected as herein provided. After having qualified by taking the oath prescribed by law, they shall assume office on the first day of January, 1911, and shall meet at the offices of the present school Board of said city at twelve o'clock noon, and shall proceed to organize by electing one of their number President, and another Vice-President. Within one week after the organization of said Board it shall meet to divide its members by lot in such manner as they shall determine into two classes, as follows: The first class consisting of two members shall hold office through the 31st day of December, 1912, the second class consisting of three members shall hold office through the 31st day of December, 1914. Thereafter at each regular election held in November of each even-numbered year, members shall be elected as hereinbefore provided, to take the place of those whose terms will next expire, and the members so chosen shall hold office for four years, or until their successors are elected and qualified.

Terms of members elected.

Organization.

§ 10. At its first regular meeting after the 1st day of January, in each year following its original organization, said Board of Education shall reorganize by electing one of its members President, and another Vice-President.

Vacancies:
how filled.

§ 11. Any vacancy in said Board, from whatever cause occurring, shall be temporarily filled by the other members (of) the Board as soon as practicable after such vacancy occurs. The member so chosen shall hold office until his successor is elected and qualified, subject to the provisions of Section 152 of the Constitution of Kentucky.

Duty of old
Board when new
Board is organized.

§ 12. When members of the Board of Education shall have been elected, shall have qualified, and shall have organized as hereinbefore provided, thereupon it shall become the duty of the existing School Board and all officers, agents and employes thereof to surrender their places and to deliver to said Board of Education all the common school property, both real and personal, of every kind whatsoever, and the control and management of the common school affairs of such city: Provided, that until such Board of Education shall be organized, the administration of the common schools and the management of school property in such city shall remain in the control of the existing School Board in the same manner and with the same powers as existed prior to the passage of this Act.

All rules and by-laws made by any existing School Board at such time vested in such city with the management of the common schools shall continue in force, so far as consistent with this act, until repealed or altered by a majority of such Board of Education.

Provided, further, that the first Board of Education may continue the employment and service of any existing officers, teachers, agents or other employes, in their several capacities in connection with the administration of school affairs, until such time as they effect the change of administrative

system applicable to the common schools as contemplated in this Act; and said Board of Education may thereafter retain or remove any agents, teachers, janitors, engineers or other employes then rendering services in connection with the public schools of said city.

§ 13. It shall be the duty of said Board of Education, within sixty days after its organization, to adopt rules and by-laws for its meetings and proceedings, and for the government, regulation and management of the schools and school property, and for the examination, qualification and employment of teachers. And such rules or by-laws may be changed, altered, or set aside, only upon an affirmative vote of four (4) members of the Board.

Board to adopt
by-laws.

§ 14. It shall be the duty of said Board of Education, as soon as practicable after its organization, to appoint a Superintendent of Schools, a Business Director, a Secretary and Treasurer, and such other officers, employes and agents as it may deem proper; Provided, that no such officer, employe or agent shall be a member of said Board.

Officers to be
appointed.

§ 15. The Board of Education shall appoint a Superintendent of Schools who shall serve for a term of one year, but whenever a Superintendent who shall have served one year shall be re-elected, his re-election shall be for a term of four years. His compensation shall not be changed during the term for which he is elected. He may be removed at any time by a vote of three-fifths of the entire Board. The Board of Education may, on the nomination of the Superintendent of Schools, appoint as many Assistant Superintendents as it may deem necessary, whose compensation shall be fixed by the Board, and who may be removed by the Superintendent with the approval of the Board. The Superintendent of Schools shall qualify by taking the oath prescribed by law. He shall have general supervision, subject to the control of the Board, of the course of instruction, discipline and conduct of

Superintendent:
appointment
powers and
duties.

the schools, text-books and studies; and all appointments, promotions and transfers of teachers and truant officers, and introduction and changes of text-books and apparatus, shall be made only upon the recommendation of the Superintendent and the approval of the Board. The Superintendent shall have the power to suspend any teacher or truant officer for cause deemed by him sufficient, and the Board of Education shall take such action upon the restoration or removal of such person as it may deem proper. All appointments and promotions of teachers shall be made upon the basis of merit, to be ascertained, as far as practicable, in cases of appointments, by examination, and in cases of promotion, by length and character of service. Examination for appointment shall be conducted by the Superintendent in accordance with the State law for the certification of teachers and under such other regulations as may be made by the Board. The Superintendent of Schools shall devote himself exclusively to the duties of his office, and shall have power to appoint clerks, whose number and salaries shall be fixed by the Board, and shall have power to remove same; shall exercise a general supervision over the schools of the city, examine their condition and progress and shall keep himself informed as to the progress of education in other cities. He shall advise himself of the need of extension of the School System of the city, shall make reports from time to time as may be fixed by the rules or directed by the Board, and shall be responsible to the Board for the condition of the instruction and discipline of the schools.

The term "teachers," as used herein, shall include supervisors, supervising principals and principals.

Business Director: term, duties etc.

§ 16. The Board shall appoint a Business Director, who shall serve for a term of one year, but whenever a Business Director who shall have served one year shall be re-elected, his re-election shall be for a term of four years, but he may be removed at

any time by a vote of three-fifths of the entire Board. His compensation shall not be changed during the term for which he is elected. The Business Director shall qualify by taking the prescribed oath, and shall be the executive officer of the Board. He shall execute for the Board in the name of the Board, its contracts and obligations; he shall see that all contracts made by or with said Board are fully and faithfully performed; he shall have the care and custody of all property of the Board of Education, real and personal, except moneys; he shall oversee the construction of buildings in process of erection (and) repairs of buildings owned or controlled by the Board; shall advertise for bids, and shall purchase all supplies and equipments authorized by the Board; and, generally, shall execute and carry into effect all matters and things authority for which shall have been granted by the Board, as herein provided.

§17. The Business Director shall devote his entire time to the duties of his office, and shall receive an annual salary to be fixed by the Board at the beginning of each term, and payable monthly out of the School Fund of the City. Before entering upon the discharge of the duties of his office he shall give a bond for the faithful performance thereof in the sum of ten thousand dollars, with a surety company, to be approved by the Board, which bond shall be paid for by the Board and be deposited with the Secretary and Treasurer within twenty days from date of election, and preserved by him.

Business Director to execute bond.

§18. Subject to the approval of the Board of Education as to the number and salaries, the Business Director shall have power to appoint, with the approval of the Board of Education, as many engineers, janitors and other employes and agents as may be necessary for the proper performance of the duties of his department, for whom he shall be responsible, and whom he shall have power to remove; but the Board of Education may provide for a com-

Appointment of other employes.

petitive examination for the positions of janitors and engineers; and when such provision shall have been made, the Business Director shall be required by the Board to appoint janitors and engineers from the list obtained by such examination. He shall appoint such assistants and deputies as may be authorized by the Board, whose compensation shall be fixed by the Board; and one of said assistants shall be a trained and educated mechanical engineer, qualified to design the heating, ventilating and sanitary machinery and apparatus connected with the school buildings. Such assistants and deputies shall be subject to removal by the Business Director who shall be responsible for the proper performance of their duties. He shall perform such other duties as may be required of him by the Board.

Provisions as
to erection of
buildings.

§ 19. All contracts for the erection of school buildings and all contracts for repairs and alteration in school property, exceeding the amount of fifty dollars, shall be made by the Board after public letting to the lowest responsible bidder, but it may reject all bids. The necessary specifications and drawings shall be prepared for all such work, and bids therefor shall be solicited by such advertisement as the Board may provide. All other work of construction and repairs shall be made directly by the Business Director, as herein provided. For all work of construction and repairs authorized to be done directly by the Business Director he shall furnish the necessary specifications and drawings, except in cases of emergency, and where the cost shall not exceed the sum of two hundred dollars, and shall solicit bids for such work as may be provided for by the Board. No bids shall be entertained by the Business Director which are not made in accordance with the specifications furnished by him, and all contracts shall be let to the lowest responsible bidder complying with the terms of the letting: Provided, however, that the said Business Director shall have the right to reject any and all bids.

§ 20. The Board shall, at or prior to the beginning of each fiscal year, cause advertisements to be made under such regulations as it may provide for proposals for furnishing the supplies required in the schools and by the Board in the ensuing year; and every contract therefor shall be awarded to the lowest responsible bidder complying with the terms of the letting: Provided, however, that said Board shall have and reserve the right to reject all bids. If other supplies are required during the year, they shall be furnished under contracts awarded in like manner; but the Board may authorize the purchase of supplies not exceeding fifty dollars in amount without letting or contract. The Board shall make distribution of supplies through such agencies and in such manner as it deems proper.

Bids and proposals.

§ 21. The Board shall appoint an officer, who shall be Secretary and Treasurer, and shall serve for a term of one year, but whenever a Secretary and Treasurer shall have served one year and be re-elected, his election shall be for a term of four years, but he may be removed at any time by a vote of three-fifths of the entire Board. He shall give bond in such sum as the Board may require, which shall not be less than \$50,000.00, with a surety company to be approved by the Board, such bond to be paid for by the Board and be deposited with the President of the Board within twenty days from date of election and preserved by him. The compensation of such officer shall be fixed by the Board of Education before his election, and shall not be changed during the term for which he is elected. He shall exercise, subject to the control of the Board, general supervision over the fiscal affairs of the public schools of the city, the collection and payment of funds to the school depositaries, and the disbursement of all revenues and moneys belonging to the Board. He shall record the proceedings of the Board in such manner as may be directed by the Board, and shall deposit daily in the designated

Secretary and Treasurer: Bond, compensation and duties.

depository of the Board all moneys collected or received by him for the Board. He shall furnish to the Board at the beginning of each month a statement of receipts and disbursements of the preceding month; and at the end of the fiscal year he shall make to the Board a full and comprehensive report of its financial affairs for the preceding year. He shall be the custodian of all securities, documents, title papers, books of records and other papers belonging to the Board, under such conditions as the Board may direct. It shall be his duty to see that no liability is incurred or expenditure made without due authority of law, that appropriations are not overdrawn and that all expenditures are charged to the appropriations for which they are made. Subject to the approval of the Board, he shall have power to appoint assistants, for whom he shall be responsible and whom he may remove. He shall perform such other duties as may be required of him by the Board.

Funds of Board,
disposition of.

§ 22. The Board shall, in the month of June of each year, advertise for bids from the banks and trust companies in such city for the current deposits of such Board, to be secured by bond with surety to be approved by the Board in an amount to be fixed by the Board, and said bids shall specify the rate of interest to be allowed to said Board on such deposits and the nature of the security offered; and such deposits shall be annually awarded to the two institutions, banks or trust companies that offer, with the required security, the highest rates of interest therefor; and the Board shall cause contracts for the ensuing year to be made with such banks or trust companies so receiving the award of such deposits. All moneys due the Board, from any source whatever, shall be paid to the Secretary and Treasurer, who shall thereupon cause all funds received to be paid into such designated depositories, the balances in each to be kept as nearly equal as practicable. The fiscal year of the Board shall end on the 30th day of June

of each year, and the annual contract shall be made in the month of June of each year for the deposits of the succeeding fiscal year.

The funds of the Board deposited in bank shall be withdrawn only on the order of the Board, evidenced by the check of its Secretary and Treasurer, countersigned by the President of the Board, or, in his absence or disability by the Vice-President.

§ 23. It shall be the duty of the Board at the beginning of each fiscal year to apportion the revenues available for that year to the different departments, for expenditures in support of the schools for that year, and no report or resolution shall be adopted by the Board calling for the expenditure of money unless it states specifically the fund from which the appropriation is to be made, and is accompanied by the certificate of the Secretary and Treasurer showing sufficient balance in such fund available for such expenditure.

Revenues to be apportioned.

§ 24. The Board shall have power to borrow money on the credit of the Board in anticipation of the revenue from school taxes for the fiscal year in which the same is borrowed and to pledge said school taxes for the payment of the principal and interest of said loan: Provided, that the interest paid shall in no case exceed six per cent per annum and the principal shall in no case exceed fifty per cent of the anticipated revenue.

Board may borrow money.

§ 25. To raise money for the maintenance of the schools the General Council shall annually cause to be levied and collected a tax of not less than thirty-six cents (.36) on each one hundred (\$100.00) dollars of property assessed for taxation for city purposes. Upon the completion of the assessment of property for taxation, the amount levied as above shall annually be passed to the credit of the school fund, upon the books of the city, and the said amount, as collected, shall be paid over to the Board by the Treasurer of the city, in regular monthly installments, the first payment to be made within one

Tax to be levied by General Council.

week after the collection of said amount shall have been commenced and the other payments to be made weekly thereafter in current money by the said Treasurer as collected.

§ 26. For the maintenance of the schools there shall be appropriated the sum or sums which may be received from year to year as the city's portion of the school fund of this Commonwealth.

Escheated property to vest in Board.

§ 27. So much real or mixed property in the city which, from alienage, defect of heirs, failure of kindred or other causes, shall escheat to the Commonwealth of Kentucky, shall vest in the Board for the use and benefit of the Common Schools. Said Board may, in the name of the Commonwealth, for the use and benefit of the common schools of the city, by its President or other officers to be designated by it, enter upon and take possession of said property or sue for and recover the same by an action at law or in equity, and without office found. The Board may sell and convey any of such property by warranty deed or otherwise.

Tax officers to enforce existing laws.

§ 28. All officers of any city of the first class, and of the State, concerned with the assessment and collection of taxes, fines and penalties shall perform such duties relating to the levying and collection of school taxes and the collection of such fines and penalties, and the payment thereof to said Board for school purposes, as are now imposed by the existing laws upon such officers in relation to the levy and collection of school taxes and the collection of fines and penalties payable to the school funds; and nothing in this act, unless inconsistent therewith, shall be construed as repealing any existing law providing for the assessment and collection of school taxes in such city; and all powers and duties conferred by existing law upon any Board in relation thereto shall be continued in the Board created by this act.

Expert accountants to be employed.

§ 29. At the close of each fiscal school year the Mayor of such city shall appoint one or more expert accountants, who shall examine the books, accounts

and vouchers of the Secretary and Treasurer, Business Director, and all other departments of expenditures of the Board, and shall make due report thereof to the Mayor and Board of Education of such city. All the officers and employes of the Board shall produce and submit to such accountants for examination all books, papers, documents, vouchers and accounts in their office belonging to the same or thereto pertaining, and shall in every way assist said accountants in their work. In the report to be made by said accountants they may make any recommendation they deem proper as to the business methods of such officers and employes. A reasonable compensation for such services shall be paid by the Board.

§ 30. The Board shall have power to establish and maintain kindergartens for children from four to six years of age, high schools, manual training schools and a normal school and normal training classes for the purposes of training teachers to fill positions in the schools of the city, and to this end it may prescribe rules and regulations for the government of such schools, and as in other cases it may employ the principals and other teachers necessary for their efficient management.

Kindergarten, manual and normal departments may be established.

§ 31. The Board shall provide, maintain and support separate schools wherein all colored children, who are bona fide residents of said city, between the ages of six and twenty years, may be taught in like manner as herein provided for white children. Said schools for colored children shall be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for the white children.

White and Colored Schools to be kept separate.

§ 32. The Board shall prescribe the necessary qualifications and mode of examination for applicants for admission to the various schools, and may furnish text books and necessary school supplies to pupils free of charge under such rules and regulations as it may adopt.

§ 33. No formula of religious belief shall be taught or inculcated, nor shall any class or any text book be used which reflects on any religious denomination.

Pupils outside
of City limits
may be admitted
to schools.

§ 34. The Board shall have power to admit to the school pupils from beyond the city limits, and shall collect from all persons so admitted tuition fees for the benefit of the school fund of the city, but may make equitable allowance or reduction for taxes paid for schools by such children or their parents on property in the city. Children of persons residing outside of the city limits shall not be admitted as pupils into any of the public schools, except upon payment of such tuition as the Board may require as aforesaid.

Reports to be
made by Board.

§ 35. A city of the first class being deemed one school district for taxation purposes and entitled to its proportion of the common school fund of the Commonwealth, the Board of Education of such city shall make detailed reports annually and special reports as required to the State Superintendent of Public Instruction. The Board shall also, in the year 1911, and every third year thereafter, take the census of children of school age and make returns thereof to the Superintendent of Public Instruction, at the same time other school officers are required to make returns; and for the neglect of this duty the members of the Board shall be liable to the same penalties. This census shall be taken under regulations approved by the State Board of Education.

For the years in which no census is required to be taken, the Superintendent of Public Instruction shall determine the amount per capita to be paid over to the boards of education of such cities by adding annually to the number of children of school age, as shown by the next preceding census actually taken, such increase or addition as he may ascertain to be the annual increase of children of school age in the district upon averaging the yearly increase shown by the three actual enumerations next pre-

ceding: Provided, however, that the Board of Education of any such city or the Superintendent of Public Instruction may elect to take an actual census in any of such years, in which case the return of such census shall govern.

§ 36. The Board shall, at the end of each scholastic year, prepare and publish, for the information of the public, a report which shall include the annual reports made to the Board by the Superintendent, Business Director and Secretary and Treasurer, together with such other information as may be proper and necessary to an understanding of the general condition and educational progress of the schools during the preceding year.

§ 37. Any member, officer or employe of such Board who shall wilfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall, unless otherwise herein provided, be punished by a fine of not more than five hundred dollars or imprisonment (for) not exceeding one year, or by both fine and imprisonment in the discretion of the jury. But nothing herein contained shall be construed as suspending the general criminal laws of the State so far as applicable.

Penalty for
violation of this
act.

§ 38. The general school laws of this State and all laws and parts of laws applicable to the general system of common schools in a city of the first class and not inconsistent herewith, shall be in full force and effect in such city.

Approved March 4, 1910.

CHAPTER 3.

AN ACT to provide for holding Circuit Courts and the trial of cases therein when from any cause the Judge shall fail to attend, or if in attendance, cannot properly preside.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the regular Circuit Judges of the Commonwealth of Kentucky, except those whose districts embrace a city of either the first or second class, and wherein a court of continuous session is held, be and they are hereby authorized to act as Special Judges of the Circuit Courts of this Commonwealth.

Circuit Judges
to act as Special
Judges.

§ 2. In the absence of the regular Judge of any Circuit Court in this Commonwealth, or when he cannot preside, in any particular case or cases, if the parties cannot agree upon an attorney who is present to act as Judge, and who shall receive no compensation for his services, the clerk shall at once notify the Governor, who, in turn, shall immediately notify one of the Circuit Judges mentioned above who is not then engaged in holding a regular or special term of court in his district, and it shall be the duty of said Circuit Judge so notified by the Governor, to hold the court, or try the case, and the Judge so notified by the Governor shall have all the powers of a regular Judge of said court.

Duty of Circuit
Clerk.

§ 3. It shall be the duty of the clerk of each Circuit Court held by a Judge whose district does not embrace a city of the first or second class wherein a court of continuous session is held, to notify the Governor in writing immediately upon the final adjournment of each regular or special term of his

court and also of the time when the next regular or special term to be held by said Circuit Judge shall begin, and it shall be the duty of the Governor to keep a roster of said Circuit Judges showing when each of them is not engaged in holding a regular or special term of court in his district, and the Governor in so notifying the Circuit Judges of their selection to hold any such court or to try any case, shall do so in such manner as to divide such special judge work as equally as practicable between all the regular judges aforesaid.

§ 4. It shall be the duty of the Governor, immediately upon this act taking effect, to issue a commission to each of said Circuit Judges, commissioning them as Special Judges of this Commonwealth so long as they shall be regular Judges thereof, and when any of said Judges shall preside out of his district in holding a court or in trying a case, as provided in this act, he shall have his said commission recorded upon the order book of said court. Before entering upon the discharge of his duties every Special Judge must, in addition to the oath prescribed by the Constitution, take an oath as follows:

Governor to issue Commission.

"I, A. B., do solemnly swear (or affirm) that I will administer justice without respect of persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge all the duties incumbent upon me as Judge, according to the best of my ability."

Oath.

Said oaths, together with the certificate of the officer before whom same were taken showing the date thereof, shall be endorsed in writing on his commission.

§ 5. The selection of Special Judges, the reason for such selection, and the fact that the requisite oaths have been taken, must be entered upon the order book of the court.

§ 6. Such Special Judges shall respectively re-

ceive an annual salary of twelve hundred dollars payable monthly out of the treasury.

§ 7. All laws or parts of laws in conflict herewith, and particularly 971 of the Kentucky Statutes, are hereby repealed.

Neither approved nor disapproved.

CHAPTER 4.

AN ACT to repeal Section 1136, Chapter 36, of the Kentucky Statutes and to substitute therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Indeterminate
Sentence provid-
ed.

§ 1. That all of Section 1136, Chapter 36, of the Kentucky Statutes be stricken out and the following substituted therefor, so that said section as re-enacted shall read: That the jury by which an offender, indicted for a felony, is tried shall ascertain only whether or not said person is guilty of the offense charged; if said person shall be found by the jury guilty of a felony, the jury shall so state in its verdict; and if the indictment under which he is prosecuted charges an offense consisting of more than one degree shall find and in the verdict say of what degree they find him guilty; after such finding or verdict of the jury, the court trying said offender shall pronounce upon such person an indeterminate sentence of imprisonment in the penitentiary for a term, stating in such sentence and judgment the minimum and maximum limits thereof and fixing as the minimum time of such imprisonment the term now or hereafter prescribed by law as the minimum term of imprisonment for the punishment of the offense stated in the verdict and as the maximum time of such imprisonment the term now or hereafter prescribed

by law as the maximum term of imprisonment for the punishment of such offense; provided, however, in the trial of persons charged with the commission of a felony punishable by death or confinement in the penitentiary for life, if said person is found guilty by the jury it shall also prescribe the punishment in its verdict and the court trying said offender shall pronounce upon such person a sentence of death or imprisonment for life, as found by the jury. A person sentenced to life imprisonment under the provisions of this act shall be eligible to parole as now or may hereafter be prescribed by law.

The jury by which an offender charged with a misdemeanor is tried, or, if a jury trying a person indicted for a felony shall find such person guilty of a misdemeanor, the jury shall fix by its verdict the punishment to be inflicted within the periods or amount prescribed by law.

Persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor; and, in cases where the punishment is a fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the jail of the county where the trial was had, unless otherwise provided; and the prisoner shall also be confined in the jail until the fine and costs are paid, unless otherwise provided.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1910.

CHAPTER 5.

AN ACT to amend an act entitled "An act in relation to the control, management and operation of water works in cities of the first class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Members of Board
of Water Works
may succeed
themselves.

§ 1. That Section 2, of an act entitled "An Act in Relation to the Control, Management and Operation of Water Works in Cities of the First Class," approved March 6, 1906, and being Section 3024a, of the Kentucky Statutes, be amended by striking from said section the words: "Provided, however, that no member of the Board shall be eligible to succeed himself except the three who are first appointed for the short terms of one, two and three years respectively," and inserting in lieu thereof the following: "And such appointees shall be eligible to succeed themselves," so that said section as amended will read as follows:

"The Mayor of any such city shall appoint, subject to the approval of the Board of Aldermen, four (4) persons, who shall constitute a body corporate and be known as its 'Board of Water Works' and the Mayor of such city shall be an ex-officio member of said 'Board of Water Works.' Each appointee shall be at least thirty years of age and reside within the city and be the owner in his own right of real estate situated therein. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said board. The terms of office of the persons first appointed, as above provided, shall be as follows: One for a

term of one year; one for a term of two years; one for a term of three years, and one for a term of four years. Thereafter, as their terms expire, their successors shall be appointed in the same manner but for the terms of four years each, and such appointees shall be eligible to succeed themselves. All vacancies upon the board, whether caused by death or resignation, shall be filled for the unexpired term by appointment in the same manner. Each member shall hold his office until his successor has been appointed and qualified."

§ 2. That Section 9, of said act, be amended by striking from said section the words, "One Million (\$1,000,000) dollars," and inserting in lieu thereof the following: "One million five hundred thousand (\$1,500,000) dollars," so that said section as amended will read as follows:

"Said Board of Water Works shall have the authority to borrow money and execute the necessary writings therefor, not to exceed the gross receipts for the current years, for the purpose of providing for any of the obligations of said water works corporation and for the current expenses of said board; and, in addition thereto, whenever said board shall deem it expedient to provide for the refunding of any outstanding bonds of such water works corporation or the funding of its floating indebtedness, it shall have the authority (the Commissioners of the Sinking Fund of such city having first, by resolution, consented thereto) to issue for either or both of said purposes the bonds of such water works corporation not to exceed in amount the sum of one million five hundred thousand (\$1,500,000) dollars, in denominations of one thousand (\$1,000) dollars each, to mature not exceeding forty years from date, bearing interest at a rate not to exceed 4 per cent per annum, payable semi-annually, such interest to be evidenced by coupons attached, said bonds to be signed by the president and secretary of said board, and said coupons to be evidenced by the engraved

Authority to
Board to borrow
extended.

signature of the secretary, and to secure the said bonds, with the coupons so attached, by a mortgage upon the rights, privileges, franchises and property of said water works corporation. Said bonds, when so issued, shall be placed with and sold by the Commissioners of the Sinking Fund at a price not less than their face value and the proceeds applied by said Commissioners to the purpose for which the bonds were issued. It shall be the duty of the said Board of Water Works to provide, at any time any such bonds are issued, for a sinking fund which shall be sufficient to pay said interest coupons and to retire the principal of said bonds at maturity, which sinking fund shall be deposited by said board with the Commissioners of the Sinking Fund of such city to be invested, managed, controlled and applied by said Commissioners for the payment of the interest and principal of the bonds so issued. The total bonded debt upon said property outstanding at any time shall not exceed one million five hundred thousand (\$1,500,000) dollars."

Emergency.

§ 3. Inasmuch as it is necessary to make provision for the refunding of bonds in accordance with the provisions of this act, prior to ninety days after the adjournment of the General Assembly, an emergency exists and is hereby declared and this act shall take effect from and after its passage.

Approved March 7, 1910.

CHAPTER 6.

AN ACT to amend and re-enact Section 32, Article 2, Chapter 22, of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors and to re-enact said section as amended.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 32, Article 2, Chapter 22, of an act entitled "An act relating to revenue and taxation," which became a law March 15, 1906, and relating to the compensation allowed assessors, be amended by adding after the last word "provided" the following:

Acts of 1906
Chapter 22, p. 76
Amended.

In counties containing a city of the first class on the 1st of March, 1910, and the first of each calendar month thereafter, the Auditor of Public Accounts shall draw his warrant upon the Treasurer for fifteen hundred dollars, which shall be paid to the County Assessor, said fifteen hundred dollars being an advancement to the assessor by the Commonwealth of Kentucky to defray necessary office expenses and partial payment upon the salaries of himself and deputies. Said sums shall be deducted from the total paid the assessor by law when the yearly settlements are made. Should the assessor die, resign, or be removed from office, or should the office of assessor in counties containing a city of the first class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made. So that said section as amended shall read as follows:

§ 32. A reduction of fifty cents shall be made from the assessor's compensation for each list he

\$1,500.00 per month to be advanced to Assessors in counties having cities of First Class.

shall fail to report for taxation, or report without authority of law, and one dollar each for each duplicate assessment. The Auditor of Public Accounts shall draw his warrant on the State Treasurer for eighty per cent of such allowances, and shall draw his warrant on the Treasurer for the remainder due the assessor, as herein provided, after the October session of the Fiscal Court, on or before which time the sheriff shall report, on oath, to said court a list of all persons, with their taxable property, so far as is known to him, who were omitted by the assessor; also the names of any person duplicated by the assessor. The report of the sheriff shall be certified to by the County Clerk to the Auditor, that the deductions may be made from the assessor's claim as herein provided. In counties containing a city of the first class on the first of March, 1910, and the first of each calendar month thereafter, the Auditor of Public Accounts shall draw his warrant upon the Treasurer for fifteen hundred dollars, which shall be paid to the County Assessor, said fifteen hundred dollars being an advancement to the assessor by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the assessor by law when the yearly settlements are made. Should the assessor die, resign, or be removed from office, or should the office of assessor in counties containing a city of the first class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Emergency

§ 2. Because of the necessity of keeping deputies constantly in the office of the assessor in counties containing a city of the first class, and because no provision is now made by law for the payment of salaries to deputies, or for the defraying of necessary office expenses, an emergency is hereby declared to exist, and this act shall become effective from and after its passage.

Approved March 7, 1910.

CHAPTER 7.

AN ACT to authorize and regulate the recordation of agreements for pooling farm products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be lawful for any person or corporation to whom or to which any article of farm products has been pooled or pledged for any purpose to record a list of the persons pooling or pledging same, together with a general description of the land upon which same was grown or proposed to be grown in the office of the clerk of the county court of the county in which said land is situated.

Lists of persons pooling crops to be recorded.

§ 2. Such recordation shall have the same effect as to creditors or purchasers as the recordation of chattel mortgages.

Effect.

§ 3. Any person buying or soliciting pooled or pledged property, the lists of which have been recorded as herein provided shall upon conviction be fined not less than ten nor more than one thousand dollars or imprisoned not less than fifteen nor more than ninety days or both so fined and imprisoned.

Penalty for buying pooled crops.

§ 4. For recording the agreements herein provided for the clerk shall be allowed a fee of two cents for each twenty words.

§ 5. Whereas, it is greatly to the interests of the farmers of the State that a public record should be kept which shall be notice that their farm products have been pooled or pledged, an emergency is declared, and this act shall take effect from and after its passage.

Disapproved March 8, 1910.

Passed March 8, 1910, the objections of the Governor to the contrary notwithstanding.

CHAPTER 8.

AN ACT to enable cities of the first class to construct a public hospital.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Hospital Commission provided for cities of First Class.

§ 1. The mayor of any city of the first class may appoint four persons who, with the mayor as a member ex-officio, shall constitute a Hospital Commission. Of such appointees two shall be members of the Democratic party and two members of the Republican party. Each appointee shall be at least twenty-five years of age and reside within the city, and be the owner in his own right of real estate. No officer or employe of said city, whether holding a paid or unpaid office, shall be eligible for appointment to the said Commission. Such appointees shall be subject to the approval of the Board of Aldermen. The term of office shall be four years, but if the work herein provided for is sooner completed such term of office shall expire at such completion. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Officers to be appointed: Compensation.

§ 2. The persons appointed as provided for in the first section and their successors shall constitute a body corporate under the name of the Commissioners of Hospital of ----- (the name of the city in which they are appointed being used to fill the blank), and shall have capacity to contract and be contracted with, to sue and be sued in the name, and to adopt a seal and alter the same at pleasure. Said Commission shall elect a chairman from the appointed members. It shall, by unanimous vote, elect a secretary and treasurer, not a member of

the Commission who shall hold the combined office at the pleasure of a majority of the Commission, and receive a salary to be fixed by the Commission, not exceeding \$1,800 per annum, to be paid by the Commission. It shall, by like vote (but not until nor unless the bonds provided for in section 10 of this act shall be voted), elect a superintendent of construction. This officer must be a draughtsman, experienced in and familiar with fireproof construction and the erection of large buildings and their mechanical equipment, and experienced in reading and executing architect's plans and specifications. He shall give his entire attention to the affairs of the Commission, and shall receive as compensation a salary, to be fixed and paid by the Commission, not exceeding \$4,000 per annum. He shall be removable at the pleasure of a majority of the Commission. The appointed members of the Commission shall receive no compensation, but shall be allowed their expense of travel when on business of the Commission.

§ 3. It shall be the duty of the Commission to make such careful examination of the method of constructing and furnishing public hospitals as may enable it to determine the best plan of erecting and furnishing a public hospital that will fully answer the needs of the city for which it is appointed, taking into consideration its probable growth, including the necessary buildings and their ventilation, heating, lighting and furnishing. The Commission shall have the power to employ one or more architects to submit plans for such construction and furnishing, together or separately, and to attend to the carrying out of the same, and pay a reasonable compensation therefor (but no compensation shall be paid any such architects until nor unless the bonds provided for in section 10 of the act shall be voted).

Commission:
other duties and
powers.

§ 4. The chairman, superintendent of construction and the secretary and treasurer of the Commission shall each give bond, with approved surety

Bonds to be executed.

in such sum as may be fixed by the Commission, which bond shall be payable to the Commission, and oblige the makers thereof to perform faithfully the duties of their several offices, and faithfully account for and pay over all money or other thing of value which may come into their several hands. The premium for said bonds shall be paid by the Commission.

Report to Mayor.

§ 5. When the Commission shall have determined upon a general plan for the construction and furnishing of a public hospital, which, in its judgment, is the most expedient to be determined upon, it shall report the same, as well as such other proposed plans as it may deem expedient, to the mayor, giving a description of the general plan of the construction and furnishing of the hospital and the probable cost of carrying out each plan. The mayor shall lay this report before the general council and the plan recommended by the Commission shall be adopted and carried out by the Commission unless the plan recommended by the Commission shall, within thirty days after it has been received by the general council, be rejected and disapproved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately. If said plan so recommended by the Commission be so rejected by the general council, then at any time within thirty days thereafter one or the other of the alternative plans presented as aforesaid to the general council may be considered by it, and of these plans the one shall finally be adopted which shall be approved by a two-thirds vote of all the members of each board of the general council, each of said boards sitting separately; and if none of the plans so submitted receives the necessary two-thirds vote within thirty days after the one recommended by the Commission has been rejected as aforesaid, then said Commission, with the approval of the mayor, shall have the right to choose a plan and carry it out. The general council shall have no power to vary any plan pro-

posed and presented by the Commission, but in adopting one of those reported must adopt it in its entirety.

§ 6. Said Commission shall have full power and authority to carry out the purposes of this act, among which powers shall be the following; that is to say:

(a) To make all such preliminary investigations and to do all such preliminary work as should, in its judgment, precede the actual construction of said public hospital.

(b) To determine upon a proper site for such public hospital: Provided, however, That where in any such city there is at the time a public hospital, that site as it exists or as enlarged by the acquisition of such adjacent property as may be recommended by the Commission, shall be used unless the Commission shall unanimously determine that it is unsuitable for the purpose and shall recommend to the mayor the acquisition of another site. In the event of such recommendation the mayor shall lay the matter before the general council, who shall approve or disapprove the recommendation of the commission as to such change of site, and only upon the approval of such change by resolution duly adopted by both boards of the general council and approved by the mayor, shall such new site be adopted. In the event a new site is used the proceeds of the sale of the old site shall go to the payment for the new site.

Further powers of Commission.

(c) To provide accommodations for patients of the existing public hospital while the new building is in course of erection and furnishing: Provided, however, That the general council may, out of its levy for charitable institutions, assume the whole or part of the expense of providing such temporary accommodations, to the relief of the funds of the Commission.

(d) Besides the Superintendent of Construction the Commission may appoint or employ such other

Further powers of Commission.

professional or technical advisers and experts and such agents, assistants, clerks, employes and laborers, skilled or unskilled, of all kinds, as it may deem requisite for the due and proper execution of the duties devolved upon it by this act, and may fix their respective compensations and remove or discharge them at pleasure, and may exact from any of its officers or employes such indemnity bonds for the proper performance of their respective duties as it may deem proper.

(e) To establish and enforce such reasonable rules and regulations for its own government and for the supervision, protection, management and conduct of its work and the payment therefor as it may deem expedient.

(f) To make and enter into, in its name, any and all contracts, agreements or stipulations germane to the scope of its duties and powers under this act.

(g) To purchase, hire, or otherwise obtain, the use of all such lands, building, machinery, tools, implements, supplies, appliances, materials and working agencies as it may need for its purposes: *Provided*, That this enumeration of special powers in the subdivisions of this section shall not be construed as restricting in any degree the scope of the general powers hereinbefore conferred upon the Commission.

§ 7 Said Commission may acquire, by gift, purchase or lease, or by condemnation, any land or property situated wholly within the city where such hospital is located, or any interest, franchise, easement, right or privilege therein which may be required for the purpose of constructing, furnishing, maintaining and operating such public hospital. The method of condemnation of property shall be the same as that provided for the condemnation for appropriate municipal purposes by cities of the first class.

§ 8. All work to be done, or supplies or materials to be purchased in carrying out the purposes of

this act, when involving an expenditure of five hundred dollars or more, shall be by contract awarded to the lowest and best bidder, but the Commission, with the consent of four of the members, may itself do any part or parts of such work under such conditions as it may prescribe, by day labor, whenever the superintendent of construction, in writing, shall recommend that course. All bids or parts of bids, for any work or supplies or materials, may be rejected by said Commission. This section shall not apply to nor be construed so as to limit the power of the Commission in the employment of architects, employes, clerks, or agents, nor to the renting of grounds or buildings for the accommodation of patients while the hospital is in course of construction and furnishing.

Contracts,
Bids, etc.

§ 9. In order to provide money for the construction and furnishing of the said public hospital the general council may adopt an ordinance submitting to the voters of the city, at the November election, 1910, the question whether bonds of the city shall be issued for the purpose of carrying out the work herein provided for. The ordinance shall provide the date and maturity of such bonds, the rate of interest they shall bear and the total amount to be issued, which shall not exceed one million dollars; and the ordinance shall also contain the necessary details in reference to the execution and delivery of said bonds, their denominations, coupons to be annexed, tax to be levied to pay the interest, and a sinking fund to retire such bonds at maturity. Said ordinance for the submission of the question of issuing bonds to the people may be adopted by the general council either prior or subsequent to the selection of the plan to be used in the construction of said public hospital.

Vote to be taken
on Bond issue.

§ 10. If the voters of the city shall determine that such bonds shall be issued, they shall, when so issued, be placed under the control of said Commission, who shall determine when and at what price

Sale of bonds
issued

and how they shall be sold: Provided, That no such bonds shall be sold for less than par, and provided, further, that any premium which may be obtained from said bonds shall constitute a part of the sinking fund for their ultimate retirement. As the said bonds are sold, their proceeds shall go to the credit of the Commission in the same depositories which are selected for the deposit of the funds of the Sinking Fund Commissioners of the city, and upon the same agreement as to interest, and shall be withdrawn only upon the checks of the secretary and treasurer of the Commission, countersigned in such manner and accompanied by voucher approved in such manner, as may be prescribed by regulations to be adopted by the Commission.

Power to bor-
row money.

§ 11. All disbursements of the Commission, including compensation to its officers, agents and others employed by it, shall come out of the proceeds of the sale of the said bonds: Provided, however, that the Commission shall have the right to borrow enough money to defray the liabilities incurred by it up to the time it shall receive such proceeds, and in the event that the voters of the city shall reject the said ordinance, then the city shall be responsible for the payment of all money so borrowed; and provided that in the event the said ordinance to be submitted to the people is not adopted by them, then on the first day of December, 1910, the powers herein granted to the said Commission shall cease and the said Commission shall stand dissolved.

Disposition of
property upon
dissolution of
Commission.

§ 12. Upon the dissolution of the said Commission, as provided in Section 11, or upon its dissolution growing out of its completion of the work and the consequent expiration of the terms of the members of the Commission, all property, real, personal and mixed, franchises, easements, maps, plans, books and papers, shall, by operation of law, and whether acquired by gift, purchase, condemnation or any other method, vest in and become the property of

the city, and all money then in the hands of the Commission shall be by it turned over to the city to be used first to defray any liabilities which have been incurred by the Commission; and, second, the balance, if any, to be paid into the hands of the Commissioners of the sinking fund of such city to be used by them as a sinking fund for the bonds hereinbefore provided for. The Commission shall pay out of the proceeds of the sale of said bonds all valid claims for damages or otherwise which may be preferred against it, and the city shall not be liable for any debt which the Hospital Commission may incur, or any claim for damages which may be asserted or awarded against said Commission.

§ 13. All legal services or advice required by the Hospital Commission shall be rendered by the City Attorney and his assistants without additional compensation.

County Attorney to be legal adviser.

§ 14. Section 2827, Kentucky Statutes, vesting in the Board of Public Works of cities of the first class supervision and control over the construction of all public buildings and public improvements shall, to the extent that it conflicts with this act, stand repealed, and Section 2861, Kentucky Statutes, vesting in the Board of Safety exclusive control of all matters relating to the city hospital shall, to the extent that it conflicts with this act, stand repealed; *Provided*, That after said public hospital shall be constructed and turned over to the city, as provided in Section 12 of this act, then said two sections shall attach and thereafter continue as provided by an act entitled "An Act for the Government of Cities of the First Class."

Operation of existing laws suspended.

§ 15. This act shall become a law from and after its passage, there being an emergency for the immediate taking effect of this act by reason of the fact that cities of the first class are in urgent need of a public hospital.

Emergency.

Approved March 14, 1910.

CHAPTER 9.

AN ACT designating the 12th day of October of each year a Legal Holiday, to be known as "Columbus Day."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the twelfth day of October of the year 1910, and the twelfth day of October of each year thereafter is hereby declared a legal holiday, to be known as "Columbus Day" and the same shall be recognized, classed and treated as other legal holidays under the laws of this State.

Approved March 14, 1910.

CHAPTER 10.

AN ACT to regulate the establishment of industrial schools.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to
conduct industrial school
where 75 acres of
land employed
unless vote taken.

§ 1. That it shall be unlawful for any person, company, corporation or association to own, control, operate or maintain any industrial school, college or institute where farming or any other occupation, trade, profession or calling is taught or sought to be taught in its course of study or instruction where such person, company, corporation or association owns, operates or controls exceeding 75 acres of land unless said person, company, corporation or associations shall obtain the consent of a majority

of the legal voters residing in the voting precinct where such school is to be maintained or operated in the manner hereinafter provided.

§ 2. Before any such school, college or institute shall hereafter commence operation the person, company, corporation or association owning or controlling said school shall apply to the judge of the county court of the county wherein said school, college or institute is located or sought to be located or operated for permission to operate, conduct or maintain such school, college or institute and thereupon it shall be the duty of the said county judge to call an election in the voting precinct wherein such school, college or institute is located or sought to be located, operated or maintained for the purpose of taking the sense of the legal voters residing in said precinct upon the question of whether or not such school, college or institute shall be located, operated or maintained in said voting precinct, and in the event a majority of the legal voters in said voting precinct, voting upon said proposition, shall vote for the granting of said permission, then the said county judge shall grant same; but if the vote in said voting precinct be against granting such permission, then said county judge shall not grant such permission.

Provisions for
holding elections

§ 3. When application for such permission is filed with the judge of the county court of the county wherein such school, college or institute is sought to be located, operated or maintained, said judge shall call an election to be held between the hours of 6 o'clock a. m. and 4 o'clock p. m., on a date to be fixed by him, giving notice thereof by at least twenty written or printed notices posted in conspicuous places in said precinct for at least forty days prior to the date fixed for said election, and the Board of Election Commissioners for such county shall appoint the officers of election to hold said election in such precinct where a vote is ordered, which officers shall be two judges, one clerk and one

Notice of election,
officers and
expenses.

sheriff, whose duties and qualifications shall be the same as those serving in a general election; and said election officers shall certify the result of the vote within three days to the Board of Election Commissioners of said county, who shall canvass the returns and certify the results to the county judge of said county. All expenses for said election to be paid by the applicant for such permission.

Penalty for
violation.

§ 4. Any person, company, corporation or association who shall own, operate, control or maintain any such school, college or institute without procuring the permission hereinbefore set out shall be fined one hundred dollars for each and every day such school is so owned, operated, controlled or maintained.

Exceptions

§ 5. The provisions of this act shall not apply to cities of the first, second, third or fourth class or to those schools, colleges and institutes already built and in actual operation for a period of one year before the passage of this act.

§ 6. All laws and parts of laws in conflict with this act are hereby repealed.

This act shall take effect from the date of its passage.

Disapproved March 14, 1910.

Passed March 14, 1910, the objections of the Governor to the contrary notwithstanding.

CHAPTER 11.

AN ACT to amend Section 2054, Chapter 63, of the Kentucky Statutes relating to the State Board of Health.

Whereas, It is believed by those best informed on the subject that fully one-third of the sickness and one-third of the deaths which occur in Kentucky every year are caused by tuberculosis, typhoid fever, diphtheria, dysentery, scarlet fever and other diseases which are practically preventable and by polluted water and other bad sanitary conditions, and,

Whereas, It is claimed that this unnecessary sickness and mortality imposes an annual tax upon the people equal to that legally collected for all purposes, and requires for its prevention laboratories for scientific investigation, and specially trained health officials in the State, and in each county and city, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2054, Chapter 63, of the Kentucky Statutes, relating to the State Board of Health, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof such words that said section when so amended shall read as follows:

§ 2054. The sum of thirty thousand dollars per annum, or so much thereof as may be found necessary by the State Board of Health, is hereby appropriated for the use of such Board for the following purposes:

New duties of
Board.

(a.) To employ a State Bacteriologist at a salary to be fixed by said Board, not to exceed twenty-five hundred dollars, and such assistants as may be found necessary for the proper maintenance of such laboratory.

(b.) To make a survey and investigation of the rivers, creeks, water sheds, springs, wells and other matters relating to the sources and purity of the

water supply in all sections of the State, looking to the protection and purification of the same.

Bureau of Statistics.

(c.) To establish and maintain a Bureau of Vital Statistics, that the causes of sickness and mortality may be known and utilized.

(d.) To control and prevent diseases amongst domestic animals.

(e.) To pay the salary of the secretary and such clerks, stenographers, sanitary inspectors and other employes as may be actually necessary.

(f.) To pay the traveling and such other expenses of the Board as it may find necessary in the proper discharge of its duties, a certified list of all expenditures under this act to be made in its reports.

School of Instruction.

(g.) To arrange for an annual school for county and city health officers, at some centrally located place, for systematic instruction in the best practical method for preventing the diseases above named, and other public health work, said school to continue in session at least three days; and it shall be the duty of each city and county health officer to attend and take part in such school unless prevented by an epidemic in his city or county, or for other reasons satisfactory to the officials conducting the school, and it shall be the duty of each fiscal court or city council to pay the actual necessary expenses incurred by its health officer in attending such schools, upon certificates duly attested by the State Board of Health of actual attendance during the entire period for which such school is held and that the charges are reasonable.

Money: how paid out.

All warrants under this act shall be signed by the president and countersigned by the secretary of the Board, and duplicates of all vouchers and an itemized statement of expenditures shall be filed with the Auditor of Public Accounts. The secretary shall give bond in the sum of ten thousand dollars from a reliable insurance company, the fee (for) which shall be paid by the Board, for the faithful performance of his duties and the proper ac-

counting for all funds coming into his hands, and said bond shall be filed with the Auditor of Public Accounts. The total expenses of the Board shall not exceed the sum hereby appropriated except for the public printing of said Board which shall be paid for outside of this appropriation as other public printing is now paid.

§ 2. This act shall take effect and be in force from and after January 1, 1911.

Neither approved nor disapproved by the Governor. .

CHAPTER 12.

AN ACT to provide for the reporting and publication of the opinions of the Court of Appeals of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Court of Appeals—a majority of the members concurring— shall in June, 1910, and every four years thereafter, appoint a reporter, who shall hold his office for a term of four years subject to be removed at any time by the court. The reporter may, upon direction of the court, appoint a clerk at a salary of seventy-five dollars per month, payable monthly out of the State Treasury. The reporter shall receive for his services twenty-four hundred dollars per annum, payable monthly out of the State Treasury.

Reporter and
Clerk; Salaries.

§ 2. The reporter shall prepare for publication in the Kentucky Reports, under the supervision of the court and subject to such rules and regulations as it may make, all opinions rendered, and all opinions of the court shall be written and published.

Duty of Reporter.

§ 3. A majority of the court, the Chief Justice being chairman, shall constitute a Board of Commis-

Board of Commissioners to let contract.

sioners for the purpose of having the opinions of the court published. The Commissioners shall in September, 1911, and every four years thereafter, advertise, by publication in one paper published in and having the largest circulation in Frankfort, Lexington and Louisville, for sealed bids for printing and binding the State Reports for a term of four years beginning with January 1st succeeding the advertisement. The contract shall be let to the lowest and best bidder, and shall contain such conditions and provisions as the court may desire to incorporate in it. The person to whom the contract is let shall enter into a bond to be fixed by the court for the faithful performance of his duties, and the court may at any time upon the failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and re-let the contract for the unexpired term after due advertisement.

Contract; what to specify.

§ 4. The number of copies of each report to be published as well as the paper and binding shall be specified in the contract; and the reports when printed and bound shall be delivered to the Librarian, who shall furnish one copy thereof to each officer entitled thereto, and sell the remainder to any person desiring to purchase at a price not exceeding the actual cost of same, the price to be fixed by the court.

No Copyright.

§ 5. There shall be no copyright of the reports, and the stereotype plates of each volume shall be delivered by the printer to the State Librarian, who shall preserve them as the property of the Commonwealth.

Librarian to re-print.

§ 6. Whenever the original edition of any volume is exhausted the Librarian shall from time to time have printed by the lowest and best bidder new editions when ordered so to do by the court, and sell the same at a price to be fixed by the court.

§ 7. The said Board of Commissioners shall also cause to be printed and published weekly in a pamphlet to be called the Advance Sheets of the Ken-

tucky Reports, all of the opinions of the court handed down in the preceding week, and shall let out to the lowest and best bidder, under such rules and regulations as the board may adopt, the contract for printing the same. The contract shall be for a term of four years except as hereinafter provided, and the work shall be executed in such manner as the board may direct. The contractor shall execute bond with good surety for the faithful performance of his duties, and before letting the contract the board shall advertise in the papers heretofore mentioned. And the court may at any time upon the failure or refusal of the contractor to perform his contract or any part thereof, cancel the same and re-let the contract for the unexpired term after due advertisement: Provided, that the first contract shall be let to expire on January 1, 1912, and thereafter the contract shall be for four years.

Advance
Sheets.

§ 8. The reporter of the court shall furnish to the contractor, in accordance with rules to be prescribed by the court, the opinions for publication, together with the syllabi for each opinion, the names of the attorneys engaged in the case and a brief index.

§ 9. The cost of publishing the Kentucky Reports and the pamphlet opinions shall be paid out of the State Treasury upon warrants to be issued by the State Auditor upon presentation to him of a voucher signed by the chairman of the Board of Commissioners.

Cost to be paid
out of Treasury.

§ 10. The State Librarian shall receive subscriptions for the pamphlet opinions at the rate of (\$3.00) three dollars per year, payable in advance, and may expend not exceeding ten (10) per cent. thereof in soliciting subscriptions; he shall keep a record of the name and address of each subscriber, the date and expiration of his subscription and the amount paid by him, and when paid, and shall every thirty (30) days cover into the State Treasury all subscriptions received, together with a statement giving the name of the person from whom each sub-

Who entitled
to advance sheets
free.

scription was received, and the date and amount thereof, and also a statement of the amount expended. He shall furnish the contractor with the name and address of each subscriber, the date and expiration of his subscription, and when a subscriber's term is out his name shall be dropped from the subscription list unless his subscription is paid. Copies of the pamphlet shall be sent free of expense to each Circuit and County Judge, Commonwealth's and County Attorney in the State, to the Judges of the Court of Appeals, the State Librarian, and the Attorney-General.

§ 11. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 15, 1910.

CHAPTER 13.

AN ACT creating a County Text Book Commission to adopt for use in the common schools of each county in this Commonwealth a uniform series of text books, regulating the prices thereof, defining the powers and duties of said Commission and the method of selection of such text books and their distribution, and prescribing penalties for the violation of this act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County Text
Book Commission
created.

§ 1. There is hereby created for each county within the State a County Text Book Commission, which shall consist of the County Superintendent of Schools, two members of the County Board of Examiners, the Principal of a high school in the county, to be appointed by the State Board of Education, and one member of the County Board of Education elected by said County Board, provided that no person shall serve on said Commission who is the author of any text book published for use in

the common schools, or who has been in the employ as a traveling salesman, or otherwise, of any publisher of school text books within a period of two years prior to the passage of this act.

§ 2. Vacancies on the Commission resulting from the disqualification of the County Superintendent, Principal of the county high school, or members of the Board of Examiners, shall be filled by the State Board of Education. Vacancies resulting from other causes shall be filled as prescribed by law for original members.

Vacancies:
how filled.

§ 3. Each member of said Commission shall qualify by taking and subscribing to an oath faithfully to discharge his duties as required by this law, and the said affidavit shall be filed in the office of the clerk of the county court of the county.

How members
to qualify.

§ 4. The members of the County Text Book Commission, as thus constituted, shall meet on the call of the County Superintendent in his office during the month of April of the years in which existing contracts expire, and shall organize. The County Superintendent shall be ex officio Chairman of the Commission, and a Secretary shall be elected from the membership. The Chairman shall preside at all meetings of the Commission. The Secretary shall keep complete records thereof, and all such records and all contracts shall be signed by the Chairman and Secretary.

Organization.

§ 5. Not less than sixty days before the expiration of the contracts now in force for furnishing books to the common schools of the county, the County Text Book Commission shall advertise through one or more county papers or by written notification to all qualified publishers as hereinafter provided, that at a time and place fixed definitely in the advertisement, sealed bids or proposals will be received from the publishers of school text books for furnishing books to the common schools of the county, in accordance with the provisions of this law and such regulations as the Com-

Advertisements
for proposals.

mission may prescribe. Such advertisement shall reserve to the Commission the right to reject any and all bids.

Bids what to
specify.

§6. Such bids and proposals shall be for furnishing books during a period of five years and no longer. The bids shall state specifically the net contract prices at which books are to be furnished to agents within the county, and the exchange price to pupils, and shall be accompanied by a specimen copy of every book proposed to be furnished. All bids shall be sealed and deposited with the Chairman of the Commission to be by him delivered to the Commission in executive session, when they shall be opened in the presence of the Commission. It shall be the duty of the Chairman of the Commission to carefully preserve in his office for comparison the specimen copy of each of the books adopted, together with the original bid or proposal, and when requested, to return to the publishers the specimen copies of other books submitted, at their expense.

Bids may be
rejected.

§7. The Commission shall have and reserve the right to reject any and all bids for reasons satisfactory to a majority of the Commission. In case of failure to select from the bids submitted a satisfactory text book upon any of the branches prescribed by law, the Commission shall re-advertise for sealed bids under the same terms and conditions, and proceed with its investigations as in the first instance.

§8. It shall be the duty of the said Commission in each county, during the months of June or July of the years in which existing contracts expire, by a majority vote of the entire Commission to adopt from the authorized State list, as hereinafter provided, a uniform series or system of text books for use in the common schools of the county, except in cities of the first, second, third, fourth, fifth and sixth classes, and to arrange for the distribution of such books to agents at the net contract price. The Commission may, from time to time, make any re-

gulations not contrary to the provisions of this act to secure the prompt and faithful performance of all contracts, and the prompt distribution of the books herein provided for.

§ 9. The Commission, in the selection and adoption of a uniform series of text books, shall consider the merits of the books, taking into consideration their subject-matter, the printing, binding, material, and mechanical qualities, their general suitability and desirability for the purposes intended and the price. The Commission shall select and adopt such books as will, in its judgment, accomplish the ends desired.

Commission;
how guided in
selection of
books.

§ 10. The uniform series of text books to be selected by the Commission shall include all the branches required by law to be taught in the common elementary and high schools of the county, except as herein provided, but no text book shall contain anything of a partisan or sectarian character.

§ 11. County high schools having been established since the last adoption of text books, it shall be the duty of each County Text Book Commission, as herein constituted, by or before the 1st of July, 1910, to adopt a uniform series of text books for use in such county high schools and such other high schools as may not be exempt by law from the provisions of this Act. Such adoption shall be made in accordance with the provisions of this act, and shall be for a term of four years from July 15, 1910. All adoptions thereafter shall be for a term of five years.

Term of adoption.

§ 12. After the adoption shall have been made, the Commission shall award the contracts and shall, by registered letter, notify the bidders to whom contracts have been awarded, and shall at the same time notify the State Superintendent of the awards made. It shall be stipulated in all contracts that the net contract prices at which such book or books shall be sold to the Commission, or the designated agents of the Commission in the county, and the exchange price to pupils shall not exceed the lowest

Contracts; how
awarded.

net contract and exchange prices at which the same book or books are sold under contract with any other State, county, township or school district in the United States under like conditions of sale and distribution.

Form of con-
tract to be pre-
pared.

§ 13. It shall be the duty of the State Superintendent of Public Instruction to prepare and have printed a form of contract between County Text Book Commissioners and publishers of school books, said form to be approved by the Attorney-General, and to furnish the same, through the County Superintendent, to the several county Commissions of the State; and no other form of contract shall be used by such county commissions and publishers in carrying out the provisions of this act.

§ 14. It shall always be a part of the terms and conditions of every contract made in pursuance of this act that the State of Kentucky shall not be liable to any contractor in any manner for any sum whatever, but all such contractors shall receive their pay and compensation solely and exclusively from the proceeds of the sale of books, as provided for in this act.

Agents to be
selected.

§ 15. For the distribution and sale of adopted books to patrons, the County Commission shall arrange with at least two responsible merchants or other agents in the county of good financial rating, in locations selected with reference to the convenience of said patrons, and shall appoint the same as agents, and such agents shall sell the books adopted to the patrons and pupils of the common schools at a price not exceeding fifteen per cent advance on the net contract price of said books, and out of said excess over the net contract price so charged by such agent he shall pay the transportation charges on said books. Said agent shall exchange new books for old ones displaced by said adoption at the exchange price herein provided for during the first year of each and every contract made under the provisions of this act.

§ 16. When any patron or pupil of the common schools owning text books adopted for use in said schools in the county of his residence shall remove to another county, he may deliver such books to any agent or dealer in the county from which he has removed and the agent or dealer to whom same shall be delivered shall receive and pay him in money the exchange value of such books. *Provided*, that only such old books as are whole and in good serviceable condition shall be so purchased by said dealer.

Patrons may
sell old books.

§ 17. The County Judge in purchasing books for indigent pupils as required by law shall purchase from said dealers said second hand books so far as the same may be suitable for such purpose and furnish same to the County Superintendent for the use of said indigent pupils: *Provided*, that no agent or dealer of any County Commission shall sell any second hand books so purchased, or any second hand book to any pupil or patron or to the county judge as herein provided at a price higher than ten per cent above the cost of such second hand book.

Books for in-
digent pupils

§ 18. Any agent or dealer, clerk or other person having or selling books adopted under this act, who shall ask or receive for any such book more than the lawful price therefor, as herein defined, or who shall refuse to exchange new books for old at the exchange price herein provided for during said period of exchange, or who shall refuse to receive from patrons or pupils removed to other counties books owned by them and adopted for use in the common schools of the county of such agent or dealer and to pay to them the exchange value thereof in cash for such old books, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty nor more than one hundred dollars.

Penalty for
violation of con-
tract.

§ 19. It shall be the duty of the State Board of Education by the first of September of each year to have printed a complete list of all the books adopted under the provisions of this act stating the highest

State Board to
print list.

lawful retail and exchange price of each, and to distribute such lists to county superintendents in such quantity as they may request. It shall be the duty of the County Superintendent to furnish such lists attested by his signature, to all dealers and to the principal teachers of all schools in the county, and such dealers and teachers shall post the same conspicuously in their sales rooms or school houses. Failure to comply with the provisions of this section by any of the parties herein named, shall be punishable by a fine of not less than ten nor more than twenty dollars.

Adopted books
must be used; ex-
ceptions.

§ 20. The books adopted by the Commission as the uniform system of text books shall be introduced and used as text books to the exclusion of all others in all the common schools of the county, except as herein provided, for a period of five years from the date of adoption, and it shall not be lawful for any teacher or other school officer to use, or any Board of Education to permit to be used, any books upon the same branches other than those adopted by the Commission. However, nothing herein shall prevent the use of supplementary books, but such supplementary books shall not be used to the exclusion of the books prescribed under the provisions of this act.

Any board of education, trustee or teacher violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction, be punished by a fine of not less than ten nor more than fifty dollars for each offense.

Agreement of
Publisher.

§ 21. Before the publisher of any school text book shall offer the same for sale to any County Text Book Commission in Kentucky, said publisher shall file a copy of the text book in the office of the State Superintendent of Public Instruction with a sworn statement of the lowest net price at which said book is sold anywhere in the United States, under State, county, township, district or city contract. Said publisher shall file with the State Board of Educa-

tion a written agreement to furnish said book or books to the designated agents, as hereinbefore provided, or to any county text book commission in Kentucky at the prices so filed, exclusive of transportation charges. Said publisher must further agree to reduce said prices in Kentucky if reductions are made elsewhere in the country, so that at no time may any book be sold in Kentucky by the contractor at a higher price than is received for the same book elsewhere under State or county contract. Said publisher shall further agree that all books offered for sale in Kentucky shall be equal in quality to those deposited in the office of the State Superintendent as regards paper, binding, printing, illustrations and all points that may affect the value of said books.

§ 22. If any publisher shall furnish to any county, books inferior in any particular to the samples on file in the office of the State Superintendent, or shall offer them at higher prices than those listed with the State Superintendent, it shall become the duty of the County Text Book Commission of said county to inform the State Superintendent of the failure of said publisher to comply with the terms of his contract. The State Superintendent shall thereupon notify the publisher of said complaint, and if said publisher shall disregard the notification and fail immediately to comply with the terms of his contract, then the State Superintendent shall institute legal proceedings to recover damages on the bond of said publisher.

§ 23. Before the publisher of any school text book shall offer the same for sale to any County Text Book Commission in the State of Kentucky, and at the time of filing such text book in the office of the State Superintendent of Public Instruction, said publisher shall pay into the Treasury of the State of Kentucky a filing fee of five dollars for each book offered by said publisher. A series of books by the same author and upon the same subject shall constitute one

Filing fee to be
paid by publisher.

book for this purpose. The fees thus received shall constitute a fund out of which, upon requisition made by the State Superintendent, shall be paid the expenses of publishing lists and other information for the use of the County Text Book Commissions, clerk hire and other necessary expenses in connection with the filing of all text books submitted for adoption in the State of Kentucky. Any balance of such fund remaining upon the first of January of the fifth year following the completion of adoptions shall be placed to the credit of the State School Fund.

Sworn statement to be filed.

§ 24. When any publisher of school text books shall file with the State Superintendent the samples and lists provided for under this act, said publisher at the same time shall be required to file a sworn statement that he has no understanding or agreement of any kind with any other publisher, or interest in the business of any other publisher with the effect, design or intent to control the prices of such books, or to restrict competition in the adoption or sale thereof.

Contracts may become void.

§ 25. If, at any time, publisher shall enter into any understanding, agreement or combination to control the prices or to restrict competition in the adoption or sale of school books, or if the statements required of said publisher in the preceding sections shall be untrue in any respect, then the Attorney-General shall institute and prosecute legal proceedings for the forfeiture of the bond of said publisher, and for the revocation of his authority to sell school books in this State, and all contracts made by said publisher under this act, shall thereupon become null and void at the option of the other parties thereto.

Bookseller not to be candidate for office etc.

§ 26. Any person, firm or corporation qualified to sell school books in Kentucky under the provisions of this act, or any agent thereof who shall, directly or indirectly, contribute any money or thing of value to the campaign fund of any political party,

or to the campaign fund of any person who is a candidate for office in this State, or in any district or county thereof, or to the campaign fund of any person who is a candidate for nomination for an office, or shall give any money, or valuable property whatsoever to any member of any county text book commission, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one thousand dollars nor more than five thousand dollars in the discretion of the jury, and such act on the part of said person, firm or corporation, or the agent thereof, shall also be considered a breach of the bond made by said person, firm or corporation with the State, and the venue of the action shall be within any county in the State where said act is committed, or in the Franklin Circuit Court; and the State Board of Education, or any one of the county text book commissions, or any member thereof in the county where the offense is committed, shall have the right to prosecute an action for the breach of said bond, and the amount recovered for said breach shall be turned over to the Treasury of Kentucky for the benefit of the State School Fund.

§ 27. Any member of any county text book commission who shall solicit, accept or receive any money, gift or any property or favor whatsoever from any person qualified to sell text books in Kentucky, or any agent thereof, or other person in any way interested in the sale of such text books shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Other penalties.

§ 28. To insure compliance with the aforesaid conditions under which school text books may be sold in the State of Kentucky, the publisher shall file with the State Board of Education a bond of not less than two thousand dollars nor more than ten

Board to be filed.

thousand dollars, the amount to be fixed by the State Board of Education upon compliance with the provisions of the preceding sections, and the bond to be approved by said Board. The publisher shall thereupon be qualified to sell school books in this State.

§ 29. Any publisher who shall offer for adoption to any text book commission school text books of any kind without first qualifying therefor under this act, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars.

TEXT BOOK COMMISSIONS FOR CITIES.

§ 30. The Board of Education in a city of the first, second, third, fourth, fifth or sixth class shall constitute the Text Book Commission for such city, and as such, its powers, duties, restrictions and penalties shall be identical with those provided by law for county text book commissions; provided that the members of such Board acting as a text book commission shall receive no compensation for their services, and provided further that if any member of said Board shall be or become ineligible to serve as a member of the Text Book Commission, then the other members of the Board are hereby empowered to fill the vacancy on the Text Book Commission thus created.

§ 31. The provisions of this law shall also apply to all corporations, firms or individuals concerned in any way in the selection, adoption, sale or use of common school text books in cities of the first four classes.

Laws repealed.

§ 32. All laws and parts of laws in conflict with the provisions of this article are hereby repealed: Provided, however, that the provisions of contract and obligations imposed by the law under which the existing State contract for uniform text books was made shall remain in force, and all contractors

thereunder shall continue to be held liable under their bond for the faithful performance of said existing contracts until the expiration of the same.

Approved March 15, 1910.

CHAPTER 14.

AN ACT for the benefit of the Home for Incurables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of Ten Thousand Dollars per annum, payable annually, for the benefit of the Home for Incurables, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the Treasurer annually in favor of the Treasurer of the Home for Incurables, for the sum of Ten Thousand Dollars: Provided, that no part of said appropriation shall be paid unless there has been executed on the part of the said Home for Incurables a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of said Home for Incurables; that is, to provide a home for persons who are residents of the State of Kentucky who are afflicted with an incurable, physical disability or disease, and have no means of support and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as a record in his office. If any part of said appropriation be not so applied, that all of such part thereof as may be unexpended shall be returned to and covered

Appropriation
of \$10,000 for
Home.

into the State Treasury. Said Home for Incurables shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts, showing when, where and how said funds and appropriations have been applied and disbursed.

§ 2. The said Auditor is authorized and directed to draw his warrants upon the Treasurer in favor of the Treasurer of the Home for Incurables on the first day of June, 1910, and annually on the same day and date thereafter for the sum of Ten Thousand Dollars.

Approved March 15, 1910.

CHAPTER 15.

AN ACT to amend an Act entitled "An act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth" which became a law March 5, 1898.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act to create a Board of Penitentiary Commissioners and regulate the Penal Institutions of this Commonwealth," be amended by adding after Section 1 of said act the following:

"§ 1-a. The Board of Penitentiary Commissioners is authorized and directed to convert one of the two penitentiaries of this Commonwealth into a penal institution to be known as the Kentucky Penitentiary in which shall be incarcerated all convicts over the age of thirty years and such other convicts as, in the judgment of the Board of Penitentiary Commissioners, are habitual criminals or guilty of such atrocious crimes or bad conduct as to warrant

Penitentiaries
converted into
penal and re-
formatory insti-
tutions.

said Board in removing them from the reformatory hereinafter provided for.

The other penitentiary shall be known as the Kentucky State Reformatory and in it shall be incarcerated all convicts thirty years of age and under except habitual criminals and those guilty of such atrocious crimes or bad conduct as the Board of Penitentiary Commissioners, in its discretion, shall deem it best to confine in the Kentucky Penitentiary. Said Board shall be authorized to incur the necessary expense in transferring the convicts from one institution to the other as required under this act and the expense of such transfer shall be paid out of the State Treasury by warrant of the State Auditor upon presentation of an itemized statement of such expense certified by the Board of Penitentiary Commissioners.

Disposition of
convicts.

The Board of Penitentiary Commissioners shall provide for the training of each and every convict in the Kentucky Penitentiary and the Kentucky State Reformatory in the common branches of an English education; also in some trade, industry or handicraft, and offer such rewards as will enable him upon his release to more surely earn his own support and make him more self reliant and self supporting. For this purpose said Board shall establish and maintain common schools and trade schools in said penitentiary and reformatory and make all needful rules and regulations for the government of the same, incur the necessary expense and do such acts as may be necessary to accomplish such results.

Dutes of Board.

The Board of Penitentiary Commissioners is authorized to place to the credit of each prisoner such amount of the average per capita earnings of the inmates as said Board may deem equitable and just, taking into consideration the character of the prisoner, the nature of the crime for which he is imprisoned and his general deportment; provided, that such credit shall in no case exceed twenty per cent of his proportion of the average per capita of earn-

Prisoners to be
credited with
part of earnings.

ings, and the funds thus accruing to the credit of any prisoner shall be paid to him or his family at such times and in such manner as the Board of Penitentiary Commissioners may deem best; provided, that at least twenty-five per cent of such credit shall be left for and paid to such prisoner at the time of his final discharge by the Board of Penitentiary Commissioners; and provided, further, that the Warden may, with the approval of the Board of Penitentiary Commissioners, by way of punishment for violation of rules and of propriety or any other misconduct cancel or distribute to the family of the prisoner such portion of such credit as he may deem best. The money derived from the labor of convicts shall be paid into the State Treasury as now provided by law and the amount of the earnings to which each convict shall be entitled shall be certified to the Auditor of State by the Board of Penitentiary Commissioners, with directions to whom such earnings shall be paid and in what amounts and it shall be the duty of the Auditor of the State to draw his warrant upon the State Treasurer in favor of the person and for the amount so designated by the Board of Penitentiary Commissioners.

Contracts may
be modified.

The Board of Penitentiary Commissioners is hereby authorized to enter into such agreements with the several contractors having contracts for the hire of the labor of the inmates of the penitentiaries for such modification of the existing contracts as will enable the Board of Penitentiary Commissioners to carry out the letter and spirit of this act.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 16, 1910.

CHAPTER 16.

AN ACT to repeal an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903; to provide for the parole by the Board of Penitentiary Commissioners of persons confined in the penitentiaries, houses of reform and State reformatories of Kentucky; to provide for the employment, care and supervision of such persons while so on parole; and, to that end, for the appointment of an employment agent, to define his duties and fix his compensation; and to further provide for the final discharge by the said board of paroled prisoners who shall have been obedient to the terms of their paroles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act entitled "An act concerning the parole of convicts," approved March 21, 1900, being Article 2 of Chapter 97 of Kentucky Statutes of 1903, be and the same is repealed; and that in lieu thereof the following is enacted:

§ 1. The State Board of Penitentiary Commissioners shall have power and authority, subject to the further provisions of this act, to parole, and permit to go and remain at large outside the buildings and enclosures of the same, any person now, or that hereafter may be, confined in any penitentiary, reformatory, house of reform, or other penal institution of the State that is now, or may hereafter be, placed under the management or control of said board; and the further power and authority, whenever a paroled prisoner shall violate the terms of his parole, commit any offense against the laws, or when, in the opinion of such Board the welfare of such paroled prisoner or of society demands, to

Duties of
Board as to
paroles.

cause such paroled prisoner to be arrested, retaken and reconfined and kept in the institution from which he was paroled, or other institution under the control of said Board to which he might by it have been transferred; and further, the power and authority to finally discharge any such paroled prisoner as shall have been submissive to the laws, obedient to the terms of his parole, upright in his conduct and industrious and sober in his habits for as much as twelve consecutive months while so at large on parole.

Who entitled
to be paroled.

§ 2. No person so confined shall be eligible to parole, or entitled to the provisions of this act, until he shall have served the minimum term of imprisonment provided by law for the crime for which he was so committed, except prisoners committed for life, who shall have actually served five years; nor unless he shall have been obedient to the rules and regulations of the institution in which he is confined for at least nine consecutive months next preceding the date of his parole; nor until he shall have secured, or there shall have been secured for him, some respectable employment with some responsible person or concern at a compensation sufficient to render him self-sustaining, and which shall be evidenced by written contract guaranteeing at least six months continuance of the same: Provided, that prisoners under the age of sixteen years and female prisoners may be paroled without contract for stipulated wages where homes shall have been procured for them in reputable families or apprenticed to responsible persons or concerns under contract for proper support, care and moral supervision. And no contract shall be necessary for the employment of prisoners owning estates the income or proceeds from which will render them self-sustaining.

The Board of Penitentiary Commissioners shall, by its rules, provide proper forms of contract and guaranties applicable to respective classes of prisoners in this section enumerated, and may in its

discretion, require security for the faithful performance of the same.

§ 3. Nothing in this act shall be construed as requiring such paroled prisoner to reside or remain in this State while so out on parole, unless a particular place of residence be made a condition of his parole, but such prisoner so paroled may at any time before said Board of Penitentiary Commissioners shall have ordered his return to the institution from which he is paroled or other institution, take up his residence wheresoever he desires, but said prisoner so out on parole, while he remains in this State, shall be required to report his place of residence, conduct, employment, wages received and disposition of same, and any other fact required by the rules of the Board of Penitentiary Commissioners, to the warden, superintendent or chief executive officer of the institution from which he was paroled, in writing, at least once in each thirty days; and, if he shall fail to make such report or any other report required of him by the rules of the said Board, or if his conduct is reported as not good, the said failure to report or to properly conduct himself shall be deemed a violation of the conditions of his parole, and shall authorize his reimprisonment.

Paroled
convicts; report
to be made by.

§ 4. No prisoner who has been or may hereafter be allowed to go outside of any of said institutions on parole shall be required while so out on parole to wear the regulation dress of the institution, or other badge, token or thing which will or which is intended to indicate that he is a prisoner or under conviction for crime.

Not required
to wear uniform.

§ 5. It shall be the duty of the Board of Penitentiary Commissioners to investigate all breaches of parole of which information may be received by it, and to that end, it shall have power and authority to summon and by order coerce the attendance of witnesses before it, and each member of said Board shall have the power to administer an oath and to

Board may
coerce
attendance of
witnesses.

swear and examine witnesses touching the same.

§ 6. An order of the Board of Penitentiary Commissioners signed by the Chairman or acting Chairman thereof, shall be sufficient warrant and authority to the Warden, Superintendent, or other officer in charge of any of the institutions referred to in this act and so directed by said order, to discharge from custody any prisoner in such order named; and directed to be released and an order of said board so signed shall be sufficient warrant and authority to all sheriffs, marshals, constables, policemen and other peace officers of this State, to arrest and deliver to the institution and the officer thereof named in said order, and to said officer of the institution to receive and reimprison the person in the order named.

**Duties of
Peace Officers.**

It is made the duty of any peace officer or officers to execute any order directed to him or them under this act by arresting and conveying such paroled prisoner to the institution named in such order, and delivering him to the officer in charge of such institution; and such peace officer shall receive therefor such compensation as is provided by law for arresting and for conveying prisoners to the penitentiary, which shall be paid to him out of the State Treasury, and the said Board of Penitentiary Commissioners shall certify said claim for services to the Auditor of Public Accounts, who shall draw his warrant for the same in favor of the claimant upon the Treasury of this State.

§ 7. Prisoners paroled under the provisions of this act shall at all times be under the control and supervision of and subject to the orders, rules and directions of the Board of Penitentiary Commissioners, and in the legal custody of the chief executive officer of the institution from which they were paroled.

§ 8. When any prisoner imprisoned under an indeterminate sentence and paroled under this act shall have faithfully kept and observed the terms

of his parole, obeyed the law, remained sober, industrious and honest in his demeanor for the full term of twelve consecutive months while so on parole the Board of Penitentiary Commissioners shall have power and authority to finally discharge said Prisoner from custody, if in its judgment such discharge would be proper; and in event of such final discharge, he shall not be thereafter subject to reimprisonment by reason of the conviction under which he was originally committed. But nothing in this act shall be construed as entitling such paroled prisoner to such final discharge, except at the discretion of the said Board, and the decision of the said Board on all applications for discharge shall be final and conclusive, unless subsequently modified or changed by it.

Paroled Convict may be finally discharged.

§ 9. For the purpose of making effective the provisions of this act, there is hereby created the office of Employment Agent, the incumbent of which shall be so known and designated. Said Employment Agent shall be appointed by and hold office during the pleasure of the State Board of Penitentiary Commissioners; he shall receive a salary of \$100.00 per month, which shall be paid monthly out of the State Treasury, and the Auditor of Public Accounts shall draw his warrant on the Treasury for the same upon the certification thereof by the chairman of said Board. He shall also receive his actual necessary traveling expenses while in the discharge of his duties as such officer, which shall be paid in like manner and upon like certification.

Office of Employment Agent created; Salary.

Said Employment Agent shall have his office with and be at all times subject to the orders and directions of the said Board of Penitentiary Commissioners. It shall be his duty to solicit, procure and make contracts, subject to the approval of said Board, for the suitable employment, in advance of their parole, of such persons as may be paroled by said Board; to assist them in keeping so employed at all times while so on parole; to visit, inspect and

Duties of Employment Agent.

report to said Board in such manner and at such times as it may by rule provide, concerning the employment, habits and surroundings of such paroled prisoners; and where such surroundings or employment are not beneficial to any person on parole, to recommend and endeavor to procure for him different employment; to counsel, aid and encourage such paroled prisoners, and assist them to become selfsustaining and useful members of society; to investigate and report on breaches of parole, and to perform such other duties and make such other reports as may from time to time be required of him by said Board. He shall keep familiar with the names and character of work that can be performed by persons confined and eligible to parole, and with the reports of paroled prisoners, and with their failures to report and the causes of such failures. He shall give his whole time to the work of his department and shall not engage in other employment while holding said office. All prisoners on parole under this act shall at all times be subject to the visitation and interrogations of said Employment Agent, and required to furnish him any information respecting their habits, surroundings and conduct that he may require in the discharge of his duties hereunder.

If and as it shall become necessary in looking after or procuring employment for any prisoner paroled under this act, or investigating the propriety of a parole or any breach of a parole, the Board of Penitentiary Commissioners may detail some employe of either of the Institutions under its control to perform such special service, and such specially detailed employe, while in the performance of such special service, shall receive his necessary actual traveling expenses to be paid by the State in same manner and upon similar certification as is provided herein for the payment of the expenses of the Employment Agent but shall not receive any compensa-

tion for his time except that pertaining to his regular employment.

§ 10. If the warden or other officer of any of the institutions embraced by this act, or any peace officer in this State, shall willfully fail or refuse to execute or obey the orders of said Board of Penitentiary Commissioners made or issued under this act, such person shall, upon conviction, be fined in the sum of not less than twenty-five dollars or not more than two hundred dollars for each offense, in the discretion of the court or jury trying the same; and the circuit court of the county wherein said offense is committed shall have exclusive jurisdiction to try said offense.

Warden and
officers to obey
orders.

§ 11. Nothing in this act shall be construed to affect the constitutional power of the Governor of this State to pardon, reprieve or respite any person who may be charged with or convicted of a crime in this Commonwealth.

§ 12. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 16, 1910.

CHAPTER 17.

AN ACT to amend and re-enact an Act entitled: "An Act to amend an Act entitled: 'An Act to amend an Act entitled: 'An Act to assign the cities and towns of this Commonwealth to the classes to which they belong.'" Approved March 18, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one of an Act entitled "An Act to amend an Act entitled 'An Act to assign the cities and towns of this Commonwealth to the classes to which they belong,'" approved March 18, 1908, be amended by striking from the fourth classification

Amending
Clause.

therein the words "Somerset, Pulaski County," and "Middlesboro, Bell County," and "Latonia, Kenton County," and from the fifth classification therein, the words "Franklin, Simpson County" and Barbourville, Knox County," and by adding after the words "Bowling Green, Warren County," in the third classification, the words "Somerset, Pulaski County" and the words "Middlesboro, Bell County," and adding after the words "Corbin, Whitley and Knox Counties," in the fourth classification therein, the words "Franklin, Simpson County" and Barbourville, Knox County," and after the words "Berea, Madison County," in the fifth classification therein, the words "Guthrie, Todd County; LaGrange, Oldham County; Clifton, Campbell County;" and that same be re-enacted as amended, and that section 2 of said Act be re-enacted, so that said Act as amended and re-enacted shall read as follows:

The cities and towns of the Commonwealth are classified as follows, to-wit:

First Class.

First class.—Louisville, Jefferson County.

Second Class.

Second class.—Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County.

Third Class.

Third class.—Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Somerset, Pulaski County; Middlesboro, Bell County.

Fourth Class.

Fourth class.—Hopkinsville, Christian County; Shelbyville, Shelby County; Maysville, Mason County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Ashland, Boyd County, Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Leb-

anon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenberg County; Corbin, Whitley and Knox Counties; Franklin, Simpson County; Barbourville, Knox County.

Fifth Class.

Fifth class.—Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Greenville, Muhlenberg County; Elizabethtown, Hardin County; Louisa, Lawrence County; Columbus, Hickman County; Glasgow, Barren County; West Covington, Kenton County; Earlington, Hopkins County; Hickman, Fulton County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Stanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Elkton, Todd County; Falmouth, Pendleton County; Vanceburg, Lewis County; Morganfield, Union County; Carlisle, Nicholas County; Clay City, Powell County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Murray, Calloway County; Marion, Crittenden County; Providence, Webster County; Sebree City, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Pikeville, Pike County; Sturgis, Union County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Morton's Gap, Hopkins County; Livermore, McLean County; Oakdale, Jefferson County; Beattyville, Lee County;

Owenton, Owen County; Scottsville, Allen County; Olive Hill, Carter County, Burnside, Pulaski County; Prestonburg, Floyd County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison County; LaGrange, Oldham County; Guthrie, Todd County; Clifton, Campbell County.

Sixth class.—All other incorporated cities and towns not named in this bill shall belong to the sixth class.

Emergency.

WHEREAS, it is necessary for the assigned cities and towns mentioned herein to make their tax levy for this year under the charter of the town to which they are assigned, an emergency is declared to exist and this act shall take effect and be in full force and effect from and after its passage and approval by the Governor.

Approved March 16, 1910.

CHAPTER 18.

AN ACT relating to crimes and punishment; fixing a penalty for any person who shall drink intoxicating liquors or be drunk or disorderly upon any public common carrier, or in or about any depot, station, ticket office, waiting room, or platform of same; fixing the venue of the prosecution for a violation of same, and providing that officers and agents of common carriers may arrest violators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who shall, in or upon any railroad locomotive, passenger coach, interurban car, street car, or in or upon any vehicle commonly used for the transportation of passengers, or in or upon any common carrier, or in or about any railroad depot, station, ticket office, waiting room, or plat-

form, drink any intoxicating liquor of any kind; or if any person shall be drunk or disorderly in or upon any railroad passenger coach, interurban car, street railway, or in or upon any vehicle commonly used for the transportation of passengers, or in or upon any common carrier, or in or about any railroad depot, station, ticket office, waiting room, or platform, such person or persons shall be deemed to be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars, or imprisoned not less than ten nor more than thirty days, or both so fined and imprisoned in the discretion of the Court or jury: Provided, that the foregoing section shall not apply to any person drinking intoxicating liquors purchased by him in or upon any buffet or dining car operated by a common carrier in this Commonwealth.

Offense denounced.

Exception.

§ 2. Any person violating the provisions of Section 1 of this act shall be tried in any Court of competent jurisdiction in the county where the offense shall have been committed.

Jurisdiction

§ 3. It shall be the duty of every railroad conductor of a steam, interurban or street railway, and station, depot, or ticket agent of said railway when he sees any person violating the provisions or any of them of Section 1 of this Act, to at once notify the nearest or most convenient sheriff, constable, town marshal or policeman, of the county in which the offense is committed, giving him such description by name or otherwise as will enable the officer to identify the offender, as also giving him the offense, and it shall thereupon be the duty of the officer so notified to arrest without delay any such person without any other evidence of his guilt and to take him before the nearest magistrate to be proceeded against in the manner provided by law. If any such officer shall willfully or negligently refuse to make the arrest he shall be fined not less than \$10.00 nor

Duties of Railroad Employee.

more than \$50.00 for each offense and it shall be the duty of the conductor or agent giving to the officer the information upon which to make the arrest to prosecute the delinquent officer.

Approved March 16, 1910.

CHAPTER 19.

AN ACT to amend Section 1944a, concerning rabbits and squirrels.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to set a steel trap, dead fall or snare or to loose or hunt with a ferret upon the premises or property of another, without first securing the written consent of the owner of the premises or property, and any one thus offending shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than twenty-five dollars.

§ 2. Having in possession game caught, as set out in Section 1, shall be *prima facie* evidence of guilt as herein provided.

§ 3. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 16, 1910.

CHAPTER 20.

AN ACT to create the thirty-fourth judicial District of Kentucky and to change the twenty-sixth and twenty-seventh Circuit Court Judicial Districts, and to provide for the holding of Courts in the said twenty-sixth, twenty-seventh and thirty-fourth Judicial Districts, and to provide for judges and Commonwealth's Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The twenty-sixth Judicial District shall consist of the counties of Bell and Harlan.

The twenty-seventh Judicial District shall consist of the counties of Clay, Jackson and Laurel.

The thirty-fourth Judicial District shall consist of the counties of Knox and Whitley.

§ 2. The Hon. William T. Davis, present Judge of the twenty-sixth Judicial District, shall be and remain during the term of office for which he was elected, Judge of the twenty-sixth Judicial District as changed by this act.

The Hon. William Lewis and the Hon. J. B. Cloyd shall be and remain Judge and Commonwealth's Attorney respectively of the twenty-seventh Judicial District as changed by this act, during the term of office for which they were elected Judge and Commonwealth's Attorney respectively.

The Hon. Joseph B. Snyder, of Whitley county, Kentucky, at present Commonwealth's Attorney for the 26th Judicial District, shall be for the remainder of the term for which he was elected, Commonwealth's Attorney of the 34th Judicial District consisting of the counties of Knox and Whitley as created by this act.

The Governor shall appoint a Judge of the thirty-fourth Judicial District, as constituted by this act, who shall hold his office until his successor is elected and qualified at the regular November election in such district in the year 1911.

The Governor shall appoint a Commonwealth's Attorney for the twenty-sixth Judicial District, as constituted under this act, who shall hold his office until his successor is elected and qualified at the regular November election in such district in the year 1911.

§ 3. The Courts in the twenty-sixth, twenty-

seventh and thirty-fourth Judicial Districts and in the several counties composing the same, shall be held at the following times and places, and for the time hereinafter set out:

Twenty-sixth Judicial District.—Harlan County, at Harlan, on the Second Monday in January and continue eighteen juridical days; fourth Monday in March and continue eighteen juridical days; first Monday in September and continue twelve juridical days; Fourth Monday in October and continue eighteen juridical days.

Bell County, at Pineville, on the First Monday in February and continue thirty-six juridical days; on the Fourth Monday in April and continue thirty-six juridical days; Fourth Monday in September and continue twenty-four juridical days; Third Monday in November and continue thirty juridical days.

Twenty-seventh District.—Jackson county, at McKee, Second Monday in January and continue twelve juridical days; First Monday in April and continue twelve juridical days; Second Monday in September and continue eighteen juridical days.

Clay county, at Manchester, Fourth Monday in January and continue eighteen juridical days; third Monday in April and continue eighteen juridical days; second Monday in October and continue twenty-four juridical days.

Laurel county, at London, Third Monday in February and continue thirty juridical days; third Monday in May and continue thirty juridical days; Third Monday in November and continue thirty juridical days.

Thirty-fourth District.—Knox county at Barbourville, First Monday in January and continue thirty-six juridical days; Second Monday in April and continue twenty-four juridical days; First Monday in September and continue eighteen juridical days;

First Monday in November and continue eighteen juridical days.

Whitley county at Williamsburg, Third Monday in February and continue forty-two juridical days; Second Monday in May and continue thirty-six juridical days; Fourth Monday in September and continue thirty juridical days; Fourth Monday in November, and continue twenty-four juridical days.

§ 4. This act shall take effect and be in force from and after the first day of July, 1910.

Approved March 16, 1910.

CHAPTER 21.

AN ACT to amend Section 4649, Chapter 122, Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 4649, subdivision 4, Chapter 122, be amended by striking therefrom the following: "For or against the running at large of cattle (or the species thereof designated in the petition) in _____ county (naming it), or in district or districts (naming it or them) and substituting therefor the following:

"Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and unclosed lands of _____ county (naming it) if the election be called for the entire county, but if the election be called for less than a county the Clerk shall, instead of giving the name of the county in the question submitted to the voters give the name of the district or districts for which the election is called," so that the said Section 4649 when amended shall read as follows:

When an election is ordered as herein provided, the County Clerk shall have printed on the ballots for each precinct in which a vote is to be taken the question: "Are you in favor of making it unlawful for cattle (or the species thereof designated in the petition) to run at large on the public highways and uninclosed lands of _____ county (naming it)" if the election be called for the entire county, but if the election be called for less than a county the Clerk shall, instead of giving the name of the county in the question submitted to the voters, give the name of the district or districts for which the election is called. and if a majority of those voting upon this question shall vote in favor of permitting cattle (or the species thereof named in the petition), to run at large, then this law shall not be in effect in the district, districts, or county, as the case may be, where the vote is taken; but if a majority of those voting upon this question shall vote against the running at large of cattle, or the species thereof named in the petition, then it shall be unlawful after thirty days of said election, for any person to permit any cattle, or the species thereof named in the petition, owned by or under his control or in his custody, to run at large in said district, districts, or county, as the case may be; and any person so offending shall be fined not less than five nor more than twenty-five dollars for each offense; and if any damages shall be committed by cattle in any such district, districts, or county, the owner of such cattle shall be liable for all such damages, whether the place where the damages occurred be inclosed by a lawful fence or not, and the person damaged shall have a lien on the cattle committing the damage for the amount thereof and cost of suit; and it shall furthermore be the duty of any Constable, Sheriff or town marshal, to impound any cattle found running at large in such district, districts, or county, and the owner or bailee thereof shall pay to the officer impounding, for each head so impounded, one dollar and the cost

of feeding and taking care of such cattle: Provided, the cost of impounding any number of cattle at any one time shall not exceed three dollars and the cost of feeding; and such officer shall have a lien on the cattle so impounded for his fees and expenses, which he may enforce in the manner mortgage liens are enforced.

Approved March 16, 1910.

CHAPTER 22.

AN ACT to amend an act, entitled "An act concerning juries, and entitled 'Juries,'" approved March 19, 1894.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act concerning juries, and entitled 'Juries,'" approved March 19, 1894, being section twenty-two hundred and fifty-three of the Kentucky Statutes and Chapter ninety-eight of the Acts of the General Assembly of one thousand eight hundred and ninety-four, be, and is hereby, amended as follows, namely: By inserting in section thirteen of said act after the word "employment," and before the word "shall," the words "or any person more than sixty years of age," so that said section when amended, will read:

"§ 13. No person shall be a competent jurymen for the trial of criminal, penal or civil cases in any court unless he be a citizen, at least twenty-one years of age, a housekeeper, sober, temperate, discreet and of good demeanor. No civil officer except notaries public and trustees of schools; no transient person, physician, surgeon, practicing attorney or minister of any religious society, cashier or teller

of a bank, or those who may be supplying their places for the time, or attendant at an asylum, or retail druggist, pharmacist, undertaker, depot agent of a railroad, or telegraph operator in employment, or any person more than sixty years of age, shall be compelled to serve on a petit jury; but the fact that a person not competent served on a jury shall not be cause for setting the verdict aside, nor shall exceptions be taken to any juror for such cause after the jury has been sworn."

§ 2. All acts or parts of acts inconsistent herewith are hereby repealed.

§ 3. Whereas, it is considered that this act will relieve a hardship that now exists an emergency is hereby declared to exist, and this act shall go into effect from and after its passage.

Approved March 16, 1910.

CHAPTER 23.

AN ACT providing a penalty for the mistreatment of animals and for the destruction of animals to prevent suffering.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty,

§ 1. If any person unnecessarily or cruelly beats, tortures, uses or otherwise mistreats any animal, whether his own or not, he shall be fined not exceeding one hundred dollars.

Peace officers
may kill ani-
mals

§ 2. Any peace officer of the State of Kentucky, or any subdivision thereof, or any officer of the accredited humane society, or society for the prevention of cruelty to animals, may lawfully destroy or kill or cause to be destroyed or killed, any animal found abandoned and suffering and not properly

cared for, or appearing to be glandered, injured or diseased past recovery for any useful purpose, or from any cause suffering without hope of recovery for any useful purpose.

§ 3. Such officer shall, however, first obtain the judgment to that effect of a veterinary surgeon or the judgment to that effect of two reputable citizens called by him to view such animal in his presence.

§ 4. Or such officer shall obtain from the owner of such animal his consent to such destruction.

§ 5. All laws or parts of laws in conflict herewith, especially section 1246, chapter 36, Carroll's Kentucky Statutes of 1903, are hereby repealed. Repeal.

§ 6. This act shall take effect from and after its passage.

Approved March 16, 1910.

CHAPTER 24.

AN ACT to repeal an act entitled "An act to regulate the practice of barbering, the registration and licensing of persons to carry on such practice and to insure the better education of such practitioners and insure better sanitary condition in barbershops and prevent the spreading of disease in the State of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to insure the better education of such practitioners and insure better sanitary conditions in barbershops and to prevent the spreading of disease in the State of Kentucky, which was approved March 21, 1902, be and the same is hereby repealed.

Approved March 16, 1910.

CHAPTER 25.

AN ACT to amend an act entitled, "An Act prescribing further duties of the chief clerks of the Senate and House of Representatives, and providing compensation therefor." Being Chapter sixteen of the Acts of 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amendments.

That section two of chapter sixteen, Acts of 1908, be and the same is hereby amended and re-enacted by inserting in the first line of said section after the word "clerks" these words "and assistant clerks," and in the eleventh line of said section after the word "clerks" these words "and assistant clerks," and in the thirteenth line of said section after the word "clerks" these words, "and assistant clerks."

That section three, of Chapter sixteen, Acts of 1908, be and the same is hereby amended and re-enacted by inserting in the fifth line of said section after the word "said" this word, "chief."

So that said sections two and three of Chapter sixteen, Acts 1908, when so amended and re-enacted shall read as follows:

**Duties of
Clerks.**

§ 2. The said clerks and assistant clerks shall, after the adjournment of each session of the General Assembly, carefully compare the printed signatures of the journals, as furnished by the public printer or contractor for the public printing, with the journals, as prepared and kept by them, and correct any errors and supply any omissions which may appear therein. The public printer or contractor for the public printing shall not bind, for final distribution

the journals as above named until the corrected proofs have been furnished him by the clerks and assistant clerks aforesaid. For the comparing and correcting the proofs as aforesaid, the said clerks and assistant clerks shall receive as compensation the same per diem as now allowed by law during the sessions of their respective houses, for such time as they may necessarily be engaged in said duties, not, however, to exceed thirty days.

§ 3. The compensation provided for in this Act shall be paid by the Treasurer, upon warrant issued by the Auditor of Public Accounts. The said warrants to be issued by the Auditor, upon the certificate and sworn statement of each of said chief clerks, as to the number of pages copied and days engaged.

Compensation; how paid.

Approved March 16, 1910.

CHAPTER 26.

AN ACT giving power to certain counties to supplement the salaries of certain public officers and to ratify their action in respect thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Fiscal Court of each county where in there is a Circuit Court having six or more judges shall have power and authority to supplement the salary paid said Circuit Judges and the Commonwealth's Attorney by making to each of them an allowance out of the revenues of the county.

County may Supplement Salaries.

§ 2. That any action heretofore taken by any such fiscal court be and it is hereby ratified and made valid.

§ 3. That in view of the fact that it will be the

Emergency. duty of the fiscal court to fix the amount of the revenue to be raised, there is an emergency declared, and this act shall take effect from and after its passage.

Approved March 17, 1910.

CHAPTER 27.

AN ACT to create the Kentucky Library Commission, to define its powers and duties, and to provide for its expenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kentucky Library Commission.

§ 1. That a commission of five members is hereby created, to be known as the Kentucky Library Commission, to be constituted and appointed as hereinafter provided, and to have permanent quarters in the Capitol.

Tenure of members.

§ 2. The members of said Commission shall be appointed by the Governor upon the passage of this act, one for a term of one year, one for two years and one for three years, and two for four years. Thereafter the Commissioners shall be appointed annually by the Governor and each appointment shall be for a term of four years. At least one member of the Commission shall be a woman, who shall be appointed by the Governor from a list of not less than three names to be presented by the Kentucky Federation of Women's Clubs. All vacancies that may occur by resignation or otherwise shall be filled by the Governor for the unexpired term. No member of said Commission shall be compensated for his services, but actual expenses of the members, incident to attending meetings of the Commission or establishing libraries and other necessary incidental expenses actually incurred in

Vacancies.

connection with the performance of their duties, shall be paid by the State. No member of the Commission shall be engaged or interested in the publishing business.

§ 3. The officers of the Commission shall be a Chairman, elected from the members thereof, for a term of one year, and a Secretary, who shall be a person trained in modern library methods, not a member of the Commission. The Secretary shall be appointed by the Commission and shall serve at the will of the Commission under such conditions and for such compensation, not exceeding \$1,500 annually, as to it shall seem adequate.

Officers.

Said Secretary shall keep a record of the proceedings of the Commission; keep accurate accounts of its financial transactions; have charge of its work in organizing new libraries, and improving those already established; supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him by the Commission.

Duties of Secretary.

The Commission shall be authorized to employ such other clerical and expert assistance as may be necessary. The Secretary and assistants shall be allowed actual and necessary expenses while absent from the Commission office upon the service of the Commission.

§ 4. The Commission shall give assistance, advice and counsel to all school, State institutional, free and public libraries, and to all communities in the State which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

Duties of Commission.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; may purchase and operate trav-

May receive gifts.

eling libraries under such conditions and rules as the Commission deems necessary to protect the interests of the State and best increase the efficiency of the service it is expected to render the public.

The Commission may issue printed material, such as lists and circulars of information, and in the publication thereof may co-operate with other State Library Commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the State.

Said Commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the State.

Report to be
made.

§ 5. The Commission shall, prior to December first, of the year preceding the regular sessions of the General Assembly make a biennial report to the Governor, which report shall show library conditions and progress in Kentucky, and shall contain a detailed statement of the expenses of the Commission. This report, when printed, shall be presented to the General Assembly of the Commonwealth of Kentucky, and distributed by the Commission. This report and other printing and binding for the Commission shall be done by the State Printer under the same regulations as other reports of the executive officers of the State.

Expenses;
how paid.

§ 6. The expenses of the Commission shall be paid upon presentation of itemized statements, and the Auditor of Public Accounts is hereby authorized to draw his warrants for such expenses on the order of the Kentucky Library Commission, when signed by the Secretary and countersigned by the chairman of the Commission.

Appropriation.

§ 7. To carry out the provisions of this act the sum of six thousand (\$6,000) dollars is hereby appropriated annually for the use of the Kentucky Library Commission.

Approved March 17, 1910.

CHAPTER 28.

AN ACT amending Section 74, Title 5, of Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 74, of Title 5, of the Civil Code of Practice, be, and the same is hereby amended by adding thereto the words: "Provided, That in actions for libel, the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published," so that said section as amended and enacted shall read as follows:

"Every other action for an injury to the person of the plaintiff, and every action for an injury to the character of the plaintiff, against a defendant residing in this State, must be brought in the county in which the defendant resides or in which the injury is done: Provided, that in actions for libel the action shall be brought in the county in which the plaintiff resides or in the county in which the newspaper or publication is printed or published, or in the county in which the transaction, or act or declaration to which the publication relates is stated, or purported to have been done or taken place."

Venue of ac-
tions for
libel.

Approved March 18, 1910.

CHAPTER 29.

AN ACT to authorize any railroad company operating a railroad in this State to transport passengers, baggage and freight carried by it on its railroad, across any stream, within the limits of, or bordering upon, this State; and authorizing any such railroad company to obtain a franchise for the carrying on of a general ferry business.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Railroad may
operate Ferry.

§ 1. That any railroad company operating a railroad in this State shall have the right, without securing the grant to it of any ferry franchise or privilege from the County Court, to transport by boat, or otherwise, or to employ other persons to transport for it, any passengers, baggage or freight carried, or to be carried, on the railroad operated by it, to and from the opposite sides of any stream within the limits of, or bordering upon, this State. And any railroad company operating a ferry for the purposes mentioned in the preceding part of this section, is authorized to transport thereon any other persons or freight applying, or offered, for transportation, upon obtaining the grant to it of a ferry franchise or privilege in the manner prescribed by law for the obtaining of such a franchise or privilege, but no railroad company, nor any employe, agent or trustee of any railroad company, shall be permitted to establish, operate or maintain a new ferry within one mile and a half in a straight line of any existing ferry heretofore established and now in operation.

Limitation

Repeal.

§ 2. All laws and parts of laws in conflict with this act, are hereby repealed.

§ 3. Inasmuch as there is at present some uncertainty as to the right of railroad companies to provide for the transportation of their own passengers, baggage, and freight across navigable streams in this State, an emergency is hereby declared to exist, and this shall take effect from its passage and approval.

Emergency.

Approved March 18, 1910.

CHAPTER 30.

AN ACT providing for the payment of the expenses of the Tax Revision Commission and the Advisory Commission, and appropriating money therefor.

Whereas, the Tax Revision Commission, and the Advisory Commission appointed by the Governor of this Commonwealth to make an investigation concerning the existing revenue laws, and to make report and recommendations as to changes deemed wise and expedient, have made their report;

And, whereas, the said Commissions in the prosecution of their work have incurred necessary expenses incident thereto, such as stationery and printing, expenses of members of the Commissions in attending meetings held in different sections of the State, salaries of secretary and stenographer, postage, telegrams, printing report of the Commission, etc., amounting in the aggregate to the sum of twenty-three hundred and twenty-two dollars and fifty-seven cents (\$2,322.57); therefore,

Preamble.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the

Tax Commission reimbursed.

Treasurer for the sum of twenty-three hundred and twenty-two dollars and 57 cents, payable out of any money in the treasury not otherwise appropriated, said warrant to be made payable to the order of Charles E. Hoge, treasurer of the Tax Revision Commission, and same to be distributed by him to the various parties entitled to same, upon orders drawn on him by the chairman of the Tax Revision Commission, or the chairman of the Advisory Commission, attested by the secretary of said Commission.

§ 2. This act shall take effect from and after its passage and approval by the Governor.

Approved March 19, 1910.

CHAPTER 31.

AN ACT providing, and appropriating money, for a contingent fund for the use of the Governor of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation for Governor's Expense fund.

§ 1. That there be, and is hereby, appropriated, annually, out of any funds of the Treasury not otherwise appropriated the sum of \$3,000.00, or so much thereof as may be necessary, for the use of the Governor of this Commonwealth in defraying such necessary contingent expenses as are incident to the Office of Chief Executive of the Commonwealth of Kentucky. Said fund so appropriated shall be known as the contingent fund for the use of the Governor.

How paid.

§ 2. Whenever it shall be necessary, in the judgment of the Governor, to meet an expense such as is indicated in the first paragraph of this Act, he shall issue an order to the Auditor of Public Ac-

counts for the amount required, and the Auditor of Public Accounts shall thereupon issue a warrant in favor of the Governor for the amount indicated in said order.

Approved March 19, 1910.

CHAPTER 32.

WHEREAS, the appropriation heretofore made for the necessary improvement upon the grounds of the new State Capitol has proved to be insufficient to carry out the ideas and plans of the architect and Capital Commissioners, as contemplated and contracted for in the original act; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of Fifty Thousand Dollars or so much thereof as may be necessary is hereby appropriated out of the general revenue of the Commonwealth of Kentucky, to be expended for the purpose of completing the work of removing the rock quarry upon said grounds, and for the landscapegardening, terracing, grading walks and approaches to the building.

Appropriation
for Capitol
grounds.

§ 2. Said sum of money shall be set apart by the Auditor of Public Accounts and the Treasurer out of the general revenue. Said sum or any part thereof shall be paid out by the Treasurer upon the order of the Board of Sinking Fund Commissioners when such order is signed by the Chairman and Secretary.

§ 3. The Board of Sinking Fund Commissioners shall cause to be kept by its Secretary, a true and complete record of all money paid out by him, for what purpose and under whose order and direction; monthly statements shall be made to the Governor by the said Secretary and a full and

Reports to be
made.

complete report shall be made to the General Assembly, regular or extra session.

§ 4. The Commissioners will file with the Governor an itemized statement of their acts under this law and any money unexpended shall be covered to the general fund in the Treasury.

Approved March 19, 1910.

CHAPTER 33.

AN ACT to amend an Act, entitled "An Act for the erection and maintenance of the Confederate Home, approved March 27, 1902, and amended March 21, 1906.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas there has been great difficulty in securing a supply of water for the Kentucky Confederate Home at Pewee Valley,

And whereas a portion of the walls of the present reservoir caved in, and the method of obtaining water from surface drainage has been found impractical, therefore be it enacted:

\$3,000.00 for
Reservoir.

§ 1. There is hereby appropriated out of the Treasury for the purpose of repairing the reservoir walls of the present reservoir, the sum of three thousand (\$3,000) dollars.

\$5,500.00 for
pipe line.

§ 2. For the purpose of laying pipes to Floyd's Fork, and establishing a pumping station, and securing the necessary ground on which to erect the same, five thousand, five hundred (\$5,500) dollars.

§ 3. All the work herein shall be advertised and let to the lowest and best bidder. But the Board of Trustees of the Confederate Home may reject any and all bids. As the work progresses the money shall be paid out of any funds belonging to the State by order of the President drawn upon the Auditor, together with the certificate of the architect stating that the amount of work named in the order has been done; and when such orders are drawn, and the same shall be presented to the Auditor, he shall issue a warrant therefor, and the same shall be paid by the Treasurer.

Work; how to be let.

§ 4. Whereas, the present heating systems for the two buildings are unsatisfactory, and a large amount of coal is thereby wasted, and by the operation of one plant great economy could be secured in the heating arrangements, there is hereby appropriated out of any moneys in the Treasury the sum of three thousand (\$3,000) dollars, for the purpose of constructing a single boiler system for the heating of the main building and the infirmary of said Confederate Home.

\$3,000.00 for Boiler system.

§ 5. Repairs upon the buildings on the ground of the Confederate Home at Pewee Valley shall be made under order of the Board of Trustees, and when so made and certified to by the President of the Board, the Auditor shall draw a warrant on the Treasurer for such repairs, and the same shall be paid by the Treasurer.

Disapproved.

§ 6. For the purpose of providing discipline in the Home itself, the Trustees are hereby authorized and empowered to organize the inmates of the Home into one or more companies, same to be officered by the Commandant and such inmates of the Home as may be appointed by the Board of Trustees; and said Board of Trustees are authorized to provide by rules and regulations, under military discipline for the control, regulation and management of the inmates of said institution; and all questions affecting discipline may be remitted to courts martial called

Companies may be organized.

ACTS OF THE GENERAL ASSEMBLY

by the Board of Trustees, the members of such courts martial to consist at all times of officers of the companies organized under this section.

Approved March 19, 1910, with exception of section 5, "Repairs", which was disapproved.

 CHAPTER 34.

AN ACT for the benefit of the Kentucky Home Society for Colored Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$5,000.00 Appropriated.

§ 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of five thousand dollars per annum payable annually, for the benefit of the Kentucky Home Society for Colored Children, and the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrants upon the treasury annually in favor of the Treasurer of the Kentucky Home Society for Colored Children for the sum of five thousand dollars.

Bond to be Executed.

Provided, no part of said appropriations shall be paid until there has been executed on the part of said Society, a bond to the Commonwealth of Kentucky, with good and sufficient security, stipulating and providing that all of said sums of money so appropriated shall be applied to the purposes of the charter of said Society, that is, to the care, support and maintenance of homeless and destitute children in this Commonwealth, and providing homes for same, and a failure to do so to be a forfeiture thereof. Said bond to be approved by the Auditor of Public Accounts, and kept as a record in his office. If any part of said appropriations be not so applied

then all of such part thereof as may be unexpended shall be returned to and covered into the State Treasury. Said Society shall, by its proper officers, make an annual verified statement and settlement with the Auditor of Public Accounts showing when, where, and how said funds or appropriations have been applied and disbursed.

Statement to
be made.

§ 2. The said Auditor is authorized and directed to draw his warrants upon the Treasury in favor of the Treasurer of the Kentucky Home Society for Colored Children, on the first day of June, 1910, and annually on the same day and date thereafter, for the sum of five thousand dollars each.

Warrants:
when to issue

Approved March 19, 1910.

CHAPTER 35.

AN ACT to repeal and amend Sections 2016, 2020, 2021 and 2033, of Chapter 61, of the Kentucky Statutes, Carroll's Edition of 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2016 and 2033, of Chapter 61, of the Kentucky Statutes, Carroll's Edition, 1909, Guardian and Ward, be and the same are hereby repealed and in lieu of said sections it is hereby enacted that the father and mother shall have the joint custody, nurture and education of their infant child, or children, and in the event of the death of either one of the parents, father or mother, the survivor, if suited to the trust, shall have the custody, nurture and education of such infant child or children, and may, by will, appoint (a) guardian to his or her infant child, or children, during its minority or for any less period, and may appoint the guardianship of the infant's estate to one and the cus-

Ky. Stat. Sec-
tions 2016 and
2028 amended.

tody, nurture and education of the infant to another, but the father shall be primarily liable for the nurture and education of his infant child or children.

Ky. Stat. Sec.
2020 amended.

§ 2. That Section 2020, of the Kentucky Statutes, be amended by inserting immediately after the word "father" the words "or mother," so that said section as amended shall read as follows: "If the will of the father or mother so direct, the other parent being dead, no security shall be required from the guardian, unless from change of circumstances in the guardian since making the will, or other cause, the court deems it imprudent to dispense therewith."

Ky. Stat. Sec.
2021 amended.

§ 3. Section 2021 of Chapter 61, on order of precedent in appointing a guardian, to be amended as follows: By repealing sub-section 1, 2, and 3 of Section 2021, and in lieu thereof enacting the following: Sub-section 1. First: The father or mother if deemed suitable for the trust. Second: If either the father or mother be dead, then the surviving parent if deemed suitable for the trust. Third: If both the father and mother be dead, then the testamentary guardian named by the last surviving parent. Fourth: Striking out of sub-section three the words giving preference to males, so that said section as amended shall read as follows: "In appointing a guardian the court shall pay proper attention to the following order of precedent in writing, and not depart therefrom unless it deems that prudence and the interest of the infant so require. First. The father or mother or one most suitable for the trust. Second: If either the father or mother be dead then the surviving parent, if deemed suitable for the trust. Third: If both father and mother be dead then the testamentary guardian named by the last surviving parent. Fourth: The next of kin.

Approved March 19, 1910.

CHAPTER 36.

AN ACT to provide for and to authorize the refunding and repayment of inheritance taxes where the amount of the legacy to each legatee was less than five hundred dollars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever it shall be made to appear by affidavit or otherwise, to the satisfaction of the Auditor of Public Accounts that any money has been paid under section 4281a of the Kentucky Statutes, where the amount of any legacy to any legatee was no more than five hundred dollars, and where said payment was made prior to the 27th day of October, 1908, the date of the decision of the Court of Appeals of Kentucky in Booth's Executor against the Commonwealth, the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer of the State for the sum or sums so paid in favor of the person, whether executor or administrator or other persons who so paid the same.

Inheritance
tax to be refund-
ed.

§ 2. This act shall take effect and be in force from its passage.

Approved March 21, 1910.

CHAPTER 37.

AN ACT to establish a Bureau of Vital Statistics and to provide for the immediate registration of all births and deaths throughout the State of Kentucky by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Bureau of Vital Statistics, as required to be established by the State Board of Health; to provide for the reporting of morbidity statistics; and to insure the thorough organization and efficiency of the registration of vital statistics throughout the State, and providing certain penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Local Boards
to be supplied
with blanks etc.

§ 1. That it shall be the duty of the State Board of Health to have charge of the State system of registration of births and deaths; to prepare the necessary methods, forms and blanks for obtaining and preserving such records and to insure the faithful registration of the same, in towns, cities, counties, and in the Bureau of Vital Statistics. The said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.

Registrar to be
appointed.

§ 2. That the State Board of Health shall have general supervision over the Bureau of Vital Statistics, which is hereby authorized to be established by said Board, and which shall be under the immediate direction of the State Registrar of Vital Statistics, whom the State Board of Health shall appoint within thirty days after the taking effect of this law, and who shall be a competent vital statistician. The term of appointment of State Registrar of Vital Statistics shall be four years,

beginning with the first day of January of the year in which this act shall take effect, and any vacancy occurring in the office of State Registrar of Vital Statistics shall be filled by appointment of the State Board of Health. The State Registrar of Vital Statistics shall receive an annual salary not to exceed twenty-five hundred dollars, which sum shall be paid by the State Board of Health out of the annual allowance made to it by the State. The State Board of Health shall provide for such clerical and other assistance as may be necessary for the purpose of this act, and may fix the compensation of persons thus employed, within the amount appropriated for said Board by the Legislature. Suitable apartments shall be provided for the State Bureau of Vital Statistics, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act. The State Registrar shall file duplicates of all returns made to him from each county with the County Clerk thereof upon notice that a fireproof vault and filing cases for their permanent preservation have been provided by the Fiscal officials of such counties.

Rooms to be provided.

§ 3. That for the purposes of this act the State shall be divided into registration districts as follows: Each city and incorporated town shall constitute a primary registration district, and for that portion of each county outside of the cities and incorporated towns therein, the State Board of Health shall define and designate the boundaries of a sufficient number of rural registration districts, which it may change from time to time as may be necessary for convenience and completeness of registration.

State to be divided into Districts.

§ 4. That within ninety days after taking effect of this act, or as soon thereafter as possible, the State Board of Health shall appoint a local registrar of vital statistics for each registration district in the State, excepting such cities or towns as are

Local Registrars to be appointed.

otherwise provided for. The term of office of local registrars, appointed by said board, shall be for four years, beginning with the first day of January of the year in which this act shall take effect, and their successors shall be appointed at least ten days before the expiration of their terms of office.

Any local registrar, appointed by said Board, who fails or neglects to efficiently discharge the duties of his office as laid down in this act, or who fails to make prompt and complete returns of births and deaths, as required hereby, shall be forthwith removed from his office by the State Board of Health, and his successor appointed, in addition to any other penalties that may be imposed, under sections of this act, for failure or neglect to perform his duty.

Duties of Local
officers.

Each local registrar, appointed by said board, shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness or disability, and who shall accept such an appointment, in writing, which shall be filed in the office of the State Registrar, and who shall be subject to all rules and regulations governing the actions of local registrars; provided, that in cities or towns where health officers, or secretaries of local boards of health, or other officials, at the date of this act, are officiating as registrars of births and deaths under local ordinances to the satisfaction of the State Registrar, such officers shall be continued as registrars in and for such cities or towns, but shall be subject to the rules and regulations of the State Board of Health, and to all of the provisions of this act.

Burial Regula-
tions.

§ 5. That the body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the registrar of the registration district in which the

death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate and return of the death has been filed with him as hereinafter provided: Provided, that a transit permit issued in accordance with the law and health regulation of the place where the death occurred, whether in Kentucky or outside of the State, may be accepted by the local registrar of the district where the body is to be interred or otherwise finally disposed of, as a basis upon which he shall issue a local burial permit, in the same way as if the death occurred in his district, but he shall plainly enter on the face of the copy of the record which he shall make for return to the State Registrar the fact that it was a body shipped in for interment, and give the actual place of death. But when a body is removed from a district in Kentucky, to an adjacent or nearby district for interment, the registrar's removal permit from the district where death occurred may be accepted as authority for burial.

§ 6. That stillborn children, or those dead at birth shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any; and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit in usual form shall be required.

Birth and death to be registered in certain cases.

§ 7. That the certificate of death shall be the standard form adopted by the United States Census Bureau for the collection of mortality statistics.

The personal and statistical particulars shall be authenticated by the signature of the informant,

who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such.

Medical Certificate; what to state.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate not containing such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, its nature shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head, and shall state where, in his opinion, the disease was contracted.

Rule where death occurs without physician in attendance.

§ 8. That in case of any death occurring without a physician in attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification, prior to issuing the permit: Provided, that if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And any

coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease, or the manner of death; and, if from external causes of violence, whether (probably) accidental, suicidal or homicidal, and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.

§ 9. That the undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial or removal permit, prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in Section 8. And he shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the registrar, within the time limit, if any, designated by the local board of health for the issuance of a burial or removal permit. The undertaker shall deliver the burial permit to the sexton, or person in charge of the place of burial, before interring the body; or shall attach the transit permit, containing the registrar's removal permit, to the box containing the corpse, when shipped by any transportation company, said permit to accompany the corpse to its destination, where, if within the State of Kentucky, it shall be taken up by the local registrar of the district in which interment is made, who shall issue a burial permit thereon.

Undertakers
duties.

§ 10. That if the interment, or other disposition of the body, is to be made within the State, the

Burial Permit;
what to state.

wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

Duty of persons in charge of burial grounds.

§ 11. That no sexton, or person in charge of any premises in which interments are made, or the owner of premises containing a private cemetery, shall inter, or permit the interment or other disposition of any body, unless it is accompanied by a burial, removal or transit permit, as herein provided. And each sexton, or person in charge of any burial ground, or the owner of premises containing a private cemetery, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district, within ten days from the date of interment, or within the time fixed by the local board of health. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of birth, date of burial, and name and address of the undertaker; which record shall at all times be open to public inspection.

Births to be registered.

§ 12. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

§ 13. That it shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all the particulars required by this act (with the local registrar of the district in which the birth occurred), within ten days after the date of birth. And if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child; householder or owner of the premises, manager or superintendent of public or private institu-

tion, in which the birth occurred, to notify the local registrar, within ten days after birth, of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

§ 14. That the certificate of birth shall be the standard form adopted by the United States Census Bureau.

Certificate
shall be on Stan-
dard form.

This certificate shall be signed by the attending physician or midwife, with date of signature and address; if there be no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, whose duty it shall become to notify the local registrar of such a birth, as required by Section 13 of this act. All certificates, either of birth or death, shall be written legibly, in unfading ink; and no other certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission.

§ 15. That when any certificate of birth of a living child is presented without statement of the given name, then the local registrar shall make out and deliver to the parents, attending physician or midwife, a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the registrar as soon as the child shall be named.

§ 16. That every physician, midwife, and undertaker shall, without delay, register his or her name, address and occupation, with the local registrar of the district in which he or she resides or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar relative to its enforcement. Within thirty days after the close

Physicians and
Undertakers etc.
to be registered.

of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, That no fee or other compensation shall be charged by local registrars to physicians, midwives or undertakers for registering their names under this section, or making returns thereof to the State Registrar.

Superintendents to keep certain records.

§ 17. That all superintendents or managers or other persons in charge of hospitals, almshouses, lying-in, or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, are hereby required to make a record of all of the personal and statistical particulars relative to the inmates in their institutions, at the date of approval of this act, that are required in the form of the certificate provided for by this act, as directed by the State Registrar; and thereafter such record shall be made by them for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify, for entry in the record, the name of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so; and when they cannot be obtained, they shall be secured in as complete a manner as possible from the relatives, attending physicians and midwives.

State Board of Health to furnish blanks.

§ 18. That the State Board of Health shall prepare, print and supply to all registrars suitable blanks and forms for use in registering, recording and preserving the returns or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration.

And no other blanks shall be used than those supplied by the State Board of Health. The State Registrar shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory. And all physicians, midwives, or undertakers, connected with any case, are hereby required to furnish such information as they may possess regarding any birth, sickness or death, upon demand of the State Registrar in person, by mail, or through the local registrar. He shall, further, arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births, sickness and deaths registered; the cards to show the name of child, deceased, place and date of birth, sickness or death, number of certificate, and the volume in which it is contained. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as decided by the State Board of Health, in order that, when sickness, and deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases.

§ 19. That it shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defects in the return, and to withhold issuing the burial or removal permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit

Local Registrars to furnish blanks.

to the undertaker: Provided, that in case the death occurred from some disease that is held by the State Board of Health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant, and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death, in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar. And he shall, on the tenth day of each month, transmit to the State Registrar all original certificates registered by him during the preceding month. And if no births or no deaths occurred in any month, he shall, on the tenth day of the following month, report that fact to the State Registrar, on a card provided for this purpose.

Fees to be collected by local registrars.

§ 20. That each local registrar, physician or registered midwife shall be entitled to be paid the sum of twenty-five cents respectively for each birth and each death certificate properly and completely made out and registered with or reported by him, and correctly copied and duly returned to the State Registrar, as required by this act. And in case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, promptly made in accordance with this act. All amounts payable to registrars, physicians or midwives under provisions of this section

shall be paid by the treasurer of the county in which the registration districts are located, upon certification by the State Registrar. And the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered with the names of the local registrars, and the amounts due each at the rates fixed herein.

§ 21. That the State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth, sickness or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. And any such copy of the record of a birth, sickness or death, when properly certified by the State Registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certificate copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the State Treasurer: Provided, that in cities of the first and second classes, certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record to be the same as herein provided, and all such fees shall be paid in to the treasurer of said cities.

State Registrar;
duties.

§ 22. That if any physician, who was in medical attendance upon any deceased person at the time of death shall neglect or refuse to make out and deliver to the undertaker or sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the medical certificate of cause of death, hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five

Penalty; Physician.

dollars nor more than fifty dollars. And if any physician shall knowingly make a false certification of the cause of death, in any case, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars.

And any physician or midwife, in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in Section 13 of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar, within the time required by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars.

Penalty.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of the body of any deceased person, without having received a burial or removal permit as herein provided, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars.

Penalty: Undertaker, etc.

And any registrar, or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall neglect or refuse to perform any of the duties imposed upon him by this act or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

Penalty Registrar.

And any person who shall willfully alter any certificate of birth or death, or the copy of any certificate of birth or death, on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and

General Penalty.

imprisonment, in the discretion of the court.

Any other person or persons who shall violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purpose of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars.

Any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, that in case the death occurred outside of the State, and the body is accompanied by a certificate of death, burial or removal or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal or transit permit, may be held to authorize the transportation or carriage of the body into or through the State.

Penalty against transportation company.

§ 23. That local registrars are hereby charged with the strict and thorough enforcement of the provision of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law, coming to their notice by observation or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements

Reports.

shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally, or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney or official of the proper county or municipality, with a statement of the facts and circumstances; and when any such case is reported to them by the State Registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith initiate and promptly follow up the necessary court proceedings against the parties responsible for the alleged violations of law. And upon request of the State Registrar, the District Attorney shall likewise assist in the enforcement of the provisions of this act.

§ 24. For the purpose of this act, and all other matter, the confidential relations and communications between physician and patient are placed upon the same basis as those provided by law between attorney and client, and nothing in this shall be so construed as to require any such privileged communication to be disclosed.

§ 25. That Chapter 83, Kentucky Statutes, and all other laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved March 21, 1910.

CHAPTER 38.

AN ACT designating electrocution as the means of inflicting the death sentence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the period that this law shall take effect the mode of the execution of a death sentence must in every case be by causing to pass through the body of the condemned a current of electricity of sufficient intensity to cause death as quickly as possible, and the application of such current must be continued until the condemned is dead. All executions of the death penalty by electrocution shall take place within the walls of the State penitentiary, hereafter indicated by the Board of Prison Commissioners, and in such inclosure as will exclude public view thereof.

Death Penalty
to be by electro-
cution.

§ 2. The sheriff and jailer of the county in which the condemned under sentence of death is confined, shall, upon the order of the court in which the condemned was sentenced, cause said condemned person to be conveyed as expeditiously, privately and safely as may be, to said penitentiary, and to deliver said condemned person, together with a duly certified copy of the judgment ordering the execution, to the warden of said penitentiary, and the warden thereof shall receive said condemned person and safely keep the same until the day designated for the execution, unless said condemned person be otherwise disposed of by due course of law. Said sheriff shall be paid therefor the same fees as are now allowed sheriffs for the conveyance of persons convicted of felony to the penitentiary.

Sheriff and
jailer's duties.

Warden to execute sentence.

§ 3. The warden of said penitentiary or his deputy shall proceed at the time and place named in the judgment of the court in which the condemned person was tried and convicted to cause the same to be electrocuted according to the provisions of this act, before sunrise on the day designated in the judgment aforesaid, unless the execution be stayed by due process of law. The warden or his deputy executing the death sentence shall be paid therefor the sum of twenty dollars from the State Treasury.

Persons entitled to be present.

§ 4. The electrician and the warden of said penitentiary and his deputy or deputies and guards, the sheriff of the county in which the condemned was convicted, the Prison Commissioners, the physician and chaplain of the penitentiary, and a clergyman and three other persons selected by the condemned, and one representative of every newspaper published in the county in which the condemned was convicted, and one representative of every daily newspaper published in the State, may attend such execution, but no other persons shall be permitted to be present.

§ 5. The warden of said penitentiary shall make due return on the copy of the judgment of the court pronouncing the death sentence, of the manner, time and place of its execution by him, which return shall be made by the clerk of said court filed in the papers of the cause in his office.

Disposition of body.

§ 6. The body of the condemned shall be delivered to any friend or relative making request therefor, and the State shall pay the expense for the return of the body to its home, not to exceed thirty dollars, but if no such request is made, it shall be buried and the cost of such burial, not to exceed thirty dollars, shall be a claim against the treasury of the State.

§ 7. If the condemned under sentence of death escapes from custody and be recaptured after the expiration of the date fixed for the execution, the

Governor, upon being notified of such recapture by the warden of said penitentiary in writing, shall send his warrant of execution to said warden by special messenger and shall name therein the day of execution and thereupon the warden shall proceed to the execution thereof according to the provisions of this act.

Duty of Governor in certain instances.

§ 8. If the condemned under sentence of death be insane or pregnant with child on the day designated for the execution, said execution shall be suspended until said condemned be restored to his or her right mind or until she be delivered of child, and then said execution shall take place under the warrant of the Governor and at the time herein designated by him unless stayed by due process of law.

Disposition of accused insane or pregnant.

§ 9. There shall be installed and erected in the State penitentiary, under direction and management of the Prison Commission the necessary electrical apparatus for the electrocution of persons under sentence of death, and the sum of seven thousand dollars, or so much thereof as is necessary, is hereby appropriated for the purchase and installation of the same.

Appropriation

§ 10. This act shall not apply to crimes committed before this act takes effect; the punishment of such crimes shall be such as was prescribed by the law in effect when the crime was committed.

Time when act to be effective.

§ 11. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.

Repeal.

Approved March 21, 1910.

CHAPTER 39.

AN ACT authorizing transportation companies in this State to sell at public auction unclaimed articles, not perishable, in their possession after a period of six months, and in case of freight that is perishable and unclaimed it may be sold as soon as it is deemed necessary and proper in order to protect the company, consignor and consignee.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Goods not Perishable.

§ 1. That any Express, Railroad, or other Company engaged in the express business, or in any way in the transportation of articles of any kind, as freight or baggage, and having an office or place of business in this State, having any unclaimed articles, not perishable, in its possession for a period of six months, at least, may, at the expiration of that time, proceed to sell the same at public auction, and out of the proceeds thereof may retain the expense of transportation, storage, advertisement and sale. Said articles can be sold at any point where the company believes the best price can be obtained, provided, however, that notice of such sale shall be given to the consignor and consignee, in writing, not less than thirty days before such sale shall be made, or notice of such sale shall be published for four weeks in some newspaper of general circulation in this State. In case the freight is perishable and unclaimed, it may be sold as soon as it is deemed necessary and proper in order to protect the Company, consignor or consignee. Where it is practicable and sale is made of perishable goods, consignor and consignee shall be notified. A record shall be kept of the articles sold and prices obtained therefor, and the surplus, if any, after payment of

Perishable goods.

charges, shall be paid to the owner of such articles, if demanded, at any time within two years from date of sale.

§ 2. This act shall be in force from its passage, and all acts conflicting with this act are hereby repealed.

Approved March 21, 1910.

CHAPTER 40.

AN ACT to amend Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 2622, 2623, 2625, 2627 and 2628 of the Kentucky Statutes of 1903, compiled by Hon. John D. Carroll, be amended and re-enacted so as to read as follows:

§ 2622. The Kentucky Board of Pharmacy shall meet in the month of October of each year, and organize by the election of a President, Secretary and Treasurer, who shall be elected for a term of one year, and shall perform the duties prescribed by the Board. The President and Treasurer shall be elected from the members of the Board, but the Secretary need not be a member of the Board. It shall be the duty of the said Board to examine all applications for registration in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to report annually to the Governor and to the Kentucky Pharmaceutical Association upon the conditions of pharmacy in the Commonwealth, which report shall also furnish a record of the proceedings of said Board for the year, and also the names of

Officers; when
to be elected,

Meetings for
examination.

all persons duly registered under this act, and shall include an account of all money received and expended from the Board. The Board shall keep a book of registration in which shall be entered the name and place of business of all persons registered under this act. The said Board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least once in three months, said meetings to be held on the second Tuesday, of January, April, July and October of each year in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. The records of said Board, or a copy of any part thereof, certified by the Secretary to be a true copy, attested by the seal of the Board, shall be accepted as competent evidence in all courts of this Commonwealth. The said Board shall have power to make by-laws for the proper execution of its duties under this act. Three members of said Board shall constitute a quorum.

Secretary;
salary.

§ 2623. The Secretary of said Board shall receive such salary as the Board may determine, which shall not exceed five hundred dollars a year. He shall also receive his traveling and all necessary expenses incurred in the performance of his official duties. The other members of the Board shall receive the sum of five dollars for each day actually engaged in the service thereof, and all legitimate and necessary expenses incurred in attending the meetings of the Board, or while performing strictly official duties. Said salaries, per diem and expenses shall be paid, after an itemized statement of the same has been rendered and approved by the Board, from the fees and penalties received by the Board under the provisions of this act. The Secretary shall collect all money due the Board from all sources, and shall pay the same to the Treasurer within thirty days, taking his receipt therefor. The Treasurer shall give bond in such sum as the Board

may determine, which at no time shall be for a less amount than is in his hands belonging to the Board.

§ 2625. Any person who is more than twenty-one years of age, filing written application, properly verified, setting forth his age, residence, and a practical experience of four years in a drug store under a registered pharmacist in compounding physicians' prescriptions, after passing a satisfactory examination to be conducted in the English language before the Kentucky Board of Pharmacy, under such rules and regulations as the Board may determine, shall be entitled to a certificate as a registered pharmacist upon the payment of a fee of ten dollars to the Secretary of the Board: Provided, however, that there may be deducted from the four years required, the actual time spent by the applicant in a reputable college or school of pharmacy, not to exceed one year. Any person eighteen years of age, filing written application, verified by his affidavit, setting forth his age, residence and the fact that the applicant has had not less than two years actual experience in a drug store under a registered pharmacist in compounding physicians' prescriptions, and after having passed a satisfactory examination to be conducted in the English language, before the Kentucky Board of Pharmacy, under such rules and regulations as the Board may determine, shall be entitled to registration as assistant pharmacist upon the payment of a fee of five dollars to the Secretary of the Board. Registered assistant pharmacists may have charge of a drug store during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in a calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer, the proprietor, owner, manager or person in charge of said drug store or pharmacy shall immediately notify the Secretary of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharma-

Who entitled
to register.

Registered As-
sistants.

Duty of Proprie-
tors.

cist. This provision shall not be employed as a subterfuge or trick to defeat the law requiring all drug stores or pharmacies to be in charge of a registered pharmacist; all drug stores or pharmacies must be in charge of a registered pharmacist, who shall devote all of his time to said drug store or pharmacy in good faith except for the thirty days in each year allowed herein. Any proprietor, owner, manager or person in charge of a drug store or pharmacy, who shall fail to comply with the above provision shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty nor more than one hundred dollars for each offense. All applications for registration must be filed with the Secretary of the Kentucky Board of Pharmacy ten days before the regular examinations of said Board; and all certificates hereafter issued shall have plainly written, printed or stamped upon the face thereof the words "Revocable for the causes specified by law", and "Awarded upon examination."

Renewal Cer-
tificates.

§ 2627. Each registered pharmacist shall annually during the month of January, if he desires to continue in such business pay to the Secretary of the Kentucky Board of Pharmacy a renewal fee, to be fixed by the Board, which shall not exceed two dollars, for which he shall receive a renewal of said registration. Each registered assistant pharmacist shall annually during the month of January, if he desires to continue in such business, pay to the Secretary of the Kentucky Board of Pharmacy a renewal fee, to be fixed by the Board, which shall not exceed one dollar, for which he shall receive a renewal of registration, under this act shall keep the same conspicuously exposed in his place of business. Every registered pharmacist, and registered assistant pharmacist, shall, within ten days after changing his place of business, as designated by his certificate, notify the Secretary of the Kentucky Board of Pharmacy of his new place of busi-

ness, and enclose a fee of fifty cents, upon receipt of which the Secretary shall make the necessary change in his register. Any registered pharmacist or registered assistant pharmacist who shall fail or neglect to procure his annual renewal of registration, or to comply with the other provisions of this section, shall forfeit his right to act either as a registered pharmacist, or registered assistant pharmacist, at the expiration of sixty days from the time of notice of such failure to comply with the provisions of this section shall have been mailed to his last address by the Secretary of the Board. The Secretary of the Board shall annually publish a list of all persons who are duly registered pharmacists, and assistant pharmacists in this Commonwealth, and shall mail a copy of same to each registered pharmacist, or assistant registered pharmacist. It shall be the duty of the Secretary to erase from the register the name of any registered pharmacist, or assistant registered pharmacist, who may have died, or has forfeited his right under the law to do business in this Commonwealth. Any registered pharmacist, or registered assistant pharmacist who shall fail to secure his annual renewal registration for a period of five consecutive years shall not be entitled to renew his registration except upon passing a satisfactory examination before the Kentucky Board of Pharmacy, as provided in this act.

Penalty for failure to obtain renewal Certificate.

§ 2628. Any person who shall procure, or attempt to procure, registration either as a registered pharmacist, or assistant registered pharmacist, for himself or another, by making or causing to be made, any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars; and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist, or registered assistant pharmacist as provided in this act, who shall take, use or exhibit

Penalty for fraud.

Pharmacist
not to become
intoxicated.

the title of a registered pharmacist, or registered assistant pharmacist shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars. Any registered pharmacist, or registered assistant pharmacist who shall be in the habit of being intoxicated shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than fifty dollars for the first offense; and upon conviction for the second offense, in addition to such fine, his name shall be stricken from the register, and his certificate of registration revoked the Kentucky Board of Pharmacy.

Approved March 21, 1910.

CHAPTER 41.

AN ACT concerning tenement houses, apartment houses and flat houses in cities of the first-class, and relating to their construction, reconstruction, alteration, maintenance, sanitation, inspection, protection, safety, control and regulation, and providing penalties for violations of this Act.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

GENERAL PROVISIONS.

§ 1. SHORT TITLE.—This Act shall be known as the "Tenement House Act."

§ 2. DEFINITIONS.—Certain words and terms in this Act are defined for the purposes thereof as follows:

1. Words used in the present tense include the future; words in the masculine gender include the

feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" includes a corporation as well as a natural person.

2. A "tenement house" is any house or building, or portion thereof, in a city of the first-class, which is rented, leased, let or hired out, to be occupied, or is occupied, or is intended, arranged or designed to be occupied as the home or residence of three families or more, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways, yard, cellar, water-closets or privies, or some of them, and includes apartment houses and flat houses in cities of the first-class.

3. A "yard" is an open, unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the extreme rear line of the lot.

4. A "court" is an open, unoccupied space, other than a yard, on the same lot with a tenement house. A court, not extending to a street or yard, is an inner court. A court, extending to a street only, is a street court. A court extending to a yard or alley only, is a yard court. A court extending through from street to yard or alley, is a through court.

5. A "shaft" includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose.

6. A "public hall" is a hall, corridor or passageway not within an apartment.

7. A "stair hall" includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

8. A "basement" is a story partly, but not more than one-half, below the level of the curb, and a "cellar" is a story more than one-half below the level of the curb.

9. An "apartment" is a suite of two or more rooms used or intended to be used as the home of one family or household.

10. By a "corner lot," as used in this act, is meant a lot abutting on two intersecting streets, or a street and an intersecting highway or public alley not less than twenty feet wide measured between the property lines.

11. The word "nuisance," in this act, shall be held to embrace a public nuisance, as known at common law or in equity jurisprudence; and it is hereby further enacted that whatever is dangerous to human life or detrimental to health in, under, over, around or about a tenement house; whatever tenement house, or part thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same, or the apartments thereof; whatever tenement house or part thereof is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted, in reference to the intended or actual use; and whatever renders the air or human food or drink therein unwholesome, are also severally, in contemplation of this act, nuisances; and all such nuisances are hereby declared illegal.

12. The word "shall" is always mandatory, and not directory, and denotes that the house shall be made and maintained, in all respects, according to this act, as long as it continues to be a tenement house.

13. Wherever the words "charter," "ordinance," "regulations," "department of buildings," "building department," "health department," "department of health," "department charged with the enforcement of this Act," "city attorney," "corporation counsel," "city treasury," or "fire limits," occur in this act, they shall be construed as if followed by the words "of the city of the first-class in which the tenement house is situated." Wherever the words "is occupied" are used in this Act, applying

to a building, such words shall be construed as if followed by the words "or is intended, arranged or designed to be occupied."

14. The "height" of a tenement house is the perpendicular distance, measured in a straight line from the curb level to the highest point of the roof beams, the measurements in all cases to be taken through the center of the facade of the house. Where a building is on a corner lot and there is more than one grade or level, the measurements shall be taken through the center of the facade on the street having the greatest grade.

§ 3. BUILDINGS CONVERTED OR ALTERED.—A building not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

§ 4. ALTERATIONS AND CHANGE IN OCCUPANCY.—No tenement house hereafter erected shall, at any time, be altered so as to be in violation of any provision of this act. And no tenement house erected prior to the passage of this act shall, at any time, be altered so as to be in violation of those provisions of this act applicable to such tenement house. If any tenement house, or part thereof, is occupied by more families than provided in this act, or is erected, altered or occupied contrary to law, such tenement house shall be deemed an unlawful structure, and the health department may cause such building to be vacated. And such building shall not again be occupied until it or its occupation, as the case may be, has been made to conform to the law.

§ 5. LAW NOT TO BE MODIFIED.—No ordinance, regulation or ruling of any municipal body or authority shall repeal, amend, modify or dispense with any provision of this act; provided, however, that nothing contained in this section or in this act shall impair the right of any city of the first class to pass and enforce any ordinance regulating the subjects of buildings, sanitation, fire protection or inspection,

provided such ordinance is not inconsistent with any of the provisions of this act.

§ 6. TIME FOR COMPLIANCE.—All improvements specifically required by this Act in or upon tenement houses erected prior to the date of its passage, shall be made within two years from said date.

ARTICLE II.

TITLE 1. LIGHT AND VENTILATION.

§ 7. PERCENTAGE OF LOT TO BE LEFT VACANT.—Of the area of any interior lot on which a tenement house is hereafter erected, there shall remain unoccupied and open to its full extent in all directions to the sky at least thirty per cent. If the front line of the house is set back from the street, the lot area thus left vacant shall not be counted as a part of the thirty per cent herein provided to be left vacant. Of the area of any corner lot, the streets adjacent to which are twenty or more feet wide, on which a tenement house is hereafter erected, there shall remain unoccupied at least twenty per cent. If a public alley ten feet or more in width, measured between the property lines, lie along a third side, the area of so much of said alley as lies along the width of said lot, may be counted as making up a part of the said twenty per cent to be left vacant. Communication between said vacant space shall be established and maintained with the alley or with the street, as elsewhere provided in this act. Where there is a store in the first story and that story is intended to be or is, occupied for business purposes only of a kind not prohibited by this act, said vacant space may be considered to start from the second story beams, provided that the roof of said store or business portion of the first story is properly drained and finished with concrete or other roofing which can be easily kept clean, and is accessible to the occupants of the upper stories of the building and

has free communication with the alley or street as herein elsewhere provided for spaces left vacant at the ground.

§ 8. YARDS.—Where there is a yard behind a tenement house, the depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be proportionate to the height of the building. In the case of tenement houses hereafter erected which are fifty feet in height, the yard shall not be less than fifteen feet in depth in every part. Said yard shall be increased in depth one foot for every additional twelve feet of height of the building or fraction thereof; and may be decreased in depth one foot for every twelve feet in height of the building less than fifty feet, but it shall never be less than twelve feet in depth in any part, except that, where there is a public alley at the rear of the lot, the width of said yard may be decreased by the width of said alley measured between the property lines; and except that, where there is a store on the first story, and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams; provided, that the roof of said store is properly drained and finished with granitoid, or some other roofing susceptible of being cleaned and swept, and made accessible to a janitor.

§ 9. COURTS.—No court shall be less in any part than the minimum sizes prescribed in this section. In case of any tenement house hereafter erected, the sizes of all inner and the width of all through courts upon which windows open shall be proportionate to the height of the building. The width

of all street and yard courts shall be proportionate to the length of said courts. In case of any tenement house hereafter erected, which is fifty feet in height, the width of all inner courts shall be not less than twelve feet in any part, and the length shall not be less than twenty-four feet in any part, and for every twelve feet of increase, or fraction thereof, in the height of said building, such width and length shall each be increased at least one foot; and for every twelve feet of decrease in the height of the said building below fifty feet, such width and length may each be decreased one foot; but no inner court shall ever be less than ten feet in width in any part, nor less than twenty feet in length in any part. No through court shall be less in width than the minimum prescribed for the inner court, except that where no windows open upon a through court, such court may have three feet as its minimum width. In case of a yard or street court, the width of such court shall never be less than one-half of its length; provided that nothing in this section or any other section of this act shall permit any increase in the maximum percentage of the lot permitted to be occupied by a tenement house as required in section seven of this act.

§ 10. COURTS OPEN AT TOP.—No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed; except that where there is a store on the first story, and that story is, or is intended to be, occupied for business purposes, of a kind not prohibited by this act, such court may start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid or other roofing susceptible of being cleaned and swept, and made accessible to a janitor.

§ 11. AIR INTAKES.—Every inner court shall be provided with one or more horizontal air-intakes at the bottom. Each such air-intake shall always com-

municate directly with the street, yard or alley, and shall consist of a fireproof passage way not less than thirty-five feet in area of cross section, which shall be left open and unobstructed, except that it may be closed by grills which shall not diminish its area more than ten per cent. No door or window shall open upon this intake unless it is at least two full stories in height. Where there is a store on the first story, as permitted by this act, the bottom of the court, as used in this section, shall be taken to mean the roof of said store.

§ 12. ANGLES IN COURTS.—Nothing contained in the foregoing sections concerning courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet.

§ 13. TENEMENTS IN ALLEYS.—No separate tenement house shall be erected upon any private alley. No separate tenement house shall be erected upon any public alley where there is not left an open space of at least twenty-five feet in width between the tenement house and the opposite property line.

§ 14. BUILDINGS ON SAME LOT WITH TENEMENT HOUSES.—If any building is hereafter placed on the same lot with a tenement house, there shall always be maintained between the said buildings an open, unobstructed space extending upwards from the ground and extending across the entire width of the lot. Where either building is fifty feet in height, such open space shall be twenty-four feet from wall to wall; and for every twelve feet of increase, or fraction thereof, in the height of such building, such open space shall be increased two feet in depth throughout the entire width, and for every twelve feet of decrease in the height of such building below fifty feet, the depth of such open space may be decreased two feet. And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of

courts or yards as hereinbefore prescribed. And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition, the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in this section, the height of the highest building on the lot to regulate the dimensions.

§ 15. ROOMS, LIGHTING OF AND VENTILATION OF.—In every tenement house hereafter erected, every room, including water-closet compartments and bath rooms, shall have at least one window opening directly upon the street, or upon a yard or court of the dimensions specified in this act; and such window or windows shall be so located as to properly light all portions of such room, except as otherwise provided in Section 29 of this act.

§ 16. WINDOWS IN ROOMS.—In every tenement house hereafter erected, the total window area in each room, including water-closet compartments and bath rooms, shall be at least one-tenth of the superficial floor area of the room, and the top of at least one window shall be not less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

§ 17. ROOMS, SIZE OF.—In every tenement house hereafter erected, all rooms, except water closet compartments and bath rooms, shall be of the following minimum sizes: In each apartment there shall be at least one room containing not less than one hundred and fifty square feet of floor area, and each other room shall contain at least eighty-four square feet of floor area. Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling.

§ 18. ALCOVES AND ALCOVE ROOMS.—In a tenement house hereafter erected, an alcove in any room

shall be separately lighted and ventilated, as provided for rooms in the foregoing sections, and shall not be less than eighty square feet in floor area. No part of any room in a tenement house hereafter erected shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or moveable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a separate window as herein required, and shall have a floor area of not less than eighty square feet.

§ 19. CHIMNEYS AND FIREPLACES.—In every tenement house hereafter erected, there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, for every apartment, properly connected with one of said chimneys, wherever cooking is done, or is to be done by coal, gas, wood, or other fuel, except electricity in said apartment.

§ 20. PRIVACY.—In every tenement house hereafter erected, in each apartment of three or more rooms, access to every living room and bedroom, and to at least one water-closet compartment, shall be had without passing through any bedroom.

§ 21. PUBLIC HALLS.—In every tenement house hereafter erected, every public hall shall have at each story at least one window opening directly upon the street or alley, or upon a yard or court whose opposite wall is not less than fifteen feet from said window. When there is but one window, such window shall either be at the end of the hall with the plane of the window at right angles to the length of the hall, or so placed in the side of the hall that the distance from said window to either end of the hall is not greater than the width of the hall. When there is more than one window, said windows may be placed upon the side of the hall, provided that the distance between the windows is not in excess of twice the width of the hall, and the distance from the end of the hall to the nearest window is not in

excess of the width of the hall. Except that where there is a system of artificial lighting and ventilation which is, in the opinion of the Health Department, adequate to properly light and ventilate said hall, the windows required in this section may be omitted.

§ 22. WINDOWS AND SKYLIGHTS FOR PUBLIC HALLS, SIZE OF.—One at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads. In every such house there shall be in the roof, directly over each stair well, a ventilating skylight provided with ridge ventilators having a minimum opening of forty square inches, or such skylight shall be provided with fixed or movable louvres.

§ 23. WINDOWS FOR STAIR HALLS, SIZE OF.—In every tenement house hereafter erected there shall be provided for each story at least one window to light and ventilate each stair hall, which window shall be at least two and a half feet wide and five feet high, measured between the stop beads. A sash door shall be deemed the equivalent of a window in this and the two foregoing sections, provided that such door contains the amount of glazed surface prescribed for such window.

TITLE 3.

SANITATION.

§ 24. BASEMENT AND CELLAR ROOMS.—In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes; and no room in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.
2. The ceiling of such room shall be, in every

part, at least four feet and six inches above the curb level of the street in front of such room, when such room or the apartment containing it, is located in the front part of the building. When, however, such room, or the apartment containing it, is located in the rear of the building, the yard across the entire such room or the apartment containing it, is located width of the building shall be excavated so as to extend to a point below the floor level for a distance of at least three feet from the rear wall of the building. All courts upon which such room or apartment opens shall be excavated so as to extend to a point below the floor level of such room or apartment. Every such room shall be an integral part of an apartment containing a room having a window opening directly to the street or yard.

3. There shall be appurtenant to such room a separate water-closet, constructed and arranged as required by section twenty-nine of this act.

4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and the upper half of the window shall be made to open the full width. No such window shall be less than twelve square feet in area between the stop beads.

5. All walls surrounding such room shall be damp-proof.

6. The floor of such room shall be damp-proof and water-proof.

§ 26. CELLARS, DAMP-PROOFING AND LIGHTING.—Every tenement house hereafter erected shall have all walls below the ground level and all cellars or lower floors damp-proof and water-proof. When necessary to make such walls and floors damp-proof and water-proof, the damp-proofing and water-proofing shall run through the walls and up the same as high as required and shall be continued

throughout the floor, and the cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering. All cellars and basements in such tenement houses shall be properly lighted and ventilated in all their parts.

§ 27. SHAFTS, COURTS, AREAS AND YARDS.—In every tenement house hereafter erected, the bottom of all shafts, courts, areas and yards which extend to the basement or cellar shall extend six inches below the floor level of said basement or cellar. In every tenement house hereafter erected all shafts, courts, areas and yards shall be properly graded and drained, and all shafts, courts and areas shall be paved.

§ 28. WATER SUPPLY.—In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

§ 29. WATER-CLOSET ACCOMMODATIONS.—In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment. Each such water-closet shall be placed in a compartment completely separated from every other water-closet; such compartment shall be not less than three feet wide, and shall be inclosed with plastered partitions, which shall extend to the ceiling. Every such compartment shall have a window opening directly upon the street or upon a court or yard, except that where there is an adequate system of forced ventilation said compartment may open upon a shaft. Every water-closet compartment hereafter placed in any tenement house shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with translucent glass panels, or with a translucent glass transom, not less in area than four square feet. The floor of every such water-closet compartment shall be made water-proof with asphalt, tile, stone or some other water-proof material; and such

water-proofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking. No drip trays shall be permitted. No water-closet fixtures shall be inclosed with any woodwork.

§ 30. SEWER CONNECTION.—No tenement house shall hereafter be erected on any street unless there is a public sewer therein or a private sewer connection directly with a public sewer. No cess-pool or privy vault or similar means of sewerage disposal shall be used in connection with any such tenement house, but every such house shall have its plumbing system connected with a public sewer before such house is occupied.

§ 31. PLUMBING.—In every tenement house hereafter erected no plumbing fixtures shall be enclosed with woodwork. All plumbing pipes shall be exposed, when so required by the health department. In all tenement houses hereafter erected where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

ARTICLE III.

ALTERATIONS.

§ 32. PERCENTAGE OF LOT OCCUPIED.—No tenement house shall hereafter be enlarged, or its lot be diminished, so that a greater percentage of the lot shall be occupied by buildings or structures than provided in Section 7 of this act.

§ 33. YARDS.—No tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less in depth than the minimum depths prescribed in Section 8 of this act for tenement houses hereafter erected. The measurements in all cases shall be taken from the extreme rear wall of

the building to the rear lot line, and across the full width of the lot, and such yard shall be at every point open from the ground to the sky; except that, where there is a store on the first story and that story is or is intended to be occupied for business purposes only, of a kind not prohibited by this act, said yard may be considered to start at the level of the second story beams; provided that the roof of said store is properly drained and finished with granitoid, or other roofing, susceptible of being cleaned and swept and made accessible to a janitor.

§ 34. LIGHT COURTS IN EXISTING BUILDINGS.—Any court used or intended to be used to light or ventilate water-closet compartments or rooms, and which may be hereafter placed in a tenement house erected prior to the passage of this act, shall not be less in area than sixty-four square feet, nor less than eight feet in its least dimension, in any part, and such court shall, under no circumstances, be roofed or covered over at the top with a roof or skylight. Every such court shall be provided at the bottom with a horizontal air intake as provided in Section 11 of this act.

§ 35. ADDITIONAL ROOMS AND HALLS.—Any additional room or hall that is hereafter constructed or created in a tenement house shall comply, in all respects, with the provisions of this act relating to new construction, except that such room or hall may be of the same height as the other rooms or hall on the same story of the house.

§ 36. ROOMS, LIGHTING AND VENTILATION OF.—No tenement house shall be so altered that any room or public hall or stairs shall have its light or ventilation diminished in any way.

§ 37. ALCOVES AND ALCOVE ROOMS.—No part of any room in a tenement house shall hereafter be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless such part of the room so enclosed or subdivided shall contain a window as

required by Section 18 of this act, and have a floor area of not less than eighty square feet.

§ 38. SKYLIGHTS.—All new skylights hereafter placed in a tenement house shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by the health department.

§ 39. WATER-CLOSET ACCOMMODATIONS.—Every new water-closet hereafter placed in a tenement house, except those provided to replace a defective or antiquated fixture in the same location, shall comply with the provisions of Section 29 of this act relative to water-closets in tenement houses hereafter erected.

ARTICLE IV.

MAINTENANCE.

§ 40. PUBLIC HALLS, LIGHTING OF, IN THE DAYTIME.—In every tenement house where the public halls and stairs are not provided with windows opening directly to the street or yard, and such halls and stairs are not sufficiently lighted, the owner of such house shall keep a proper light burning in the hallway, near the stairs, upon each floor, as may be necessary, from sunrise to sunset.

§ 41. PUBLIC HALLS, LIGHTING AT NIGHT.—In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor above the entrance floor of said house, every night from sunset to sunrise throughout the year, and upon all other floors of said house from sunset until ten o'clock in the evening.

§ 42. WATER-CLOSETS IN CELLARS.—No water-closet shall be maintained in the cellar of any tenement house without a special permit in writing from the health department.

§ 43. WATER-CLOSET ACCOMMODATIONS.—T h e r e

shall be provided at least one water-closet for every four families in every tenement house existing prior to the passage of this act.

§ 44. BASEMENT AND CELLAR ROOMS.—Hereafter in tenement houses erected prior to the passage of this act, no room in the basement or cellar shall be occupied for living purposes without a written permit from the health department, and such permit shall be kept readily accessible in the main living room of the apartment containing such room. And no such room shall hereafter be occupied unless all the conditions of this section are complied with; and said written permit shall be issued only when all of the said conditions are complied with and if the permit is refused the reason for such refusal shall be stated by said department in writing, and a copy thereof shall be kept in a proper book in the office of said department, and be accessible to the public, and said conditions are as follows, to-wit:

1. Such room shall be at least seven feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a water-closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage of said room an open space at least three feet wide in every part, unless such room extends for more than one-half of its height above the curb level. Such space shall be well and effectually drained.

5. At least one of the rooms of the apartment of which such room is an integral part shall have a window or windows opening directly to the street or yard, of at least twelve square feet in size clear of the sash frame, and which shall open readily for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which

there is water pressure from below, the lowest floor shall be waterproof and damp-proof.

7. Such room shall have sufficient light and ventilation, shall be well drained and dry, and shall be fit for human habitation in the opinion of the health department.

In case of rooms located in tenement houses erected prior to the passage of this act, which do not comply with all the provisions of sub-divisions one, two and four of this section, the health department may issue a special permit for occupancy; provided said department shall certify in writing that such rooms have sufficient light and ventilation, and well drained and dry, and are fit for human habitation. The procedure in such cases shall be as follows: Upon receipt of a written request from the owner stating that there are rooms in the basement or cellar which are or have been previously occupied for living purposes but which do not conform to the requirements of sub-divisions one, two and four of this section, and requesting a special permit for the occupancy of such room, the said department shall cause an inspection to be made, and a written report filed which shall state the respects in which said rooms do not conform to the requirements of said sub-divisions, and whether said rooms have sufficient light and ventilation, are well drained and dry, and are fit for human habitation. No such special permit, however, shall be issued unless such facts are certified to in writing by said department. Such special permits shall be issued only by the head of the department or his deputy, who may require such improvements or alterations in said rooms, as may be practiceable, as a condition precedent to the granting of said special permit. All reports and papers connected therewith shall be deemed public records in the health department.

§ 45. WATER-CLOSETS AND PUBLIC SINKS.—In all tenement houses the floor or other surface beneath and around water-closets and sinks shall be main-

tained in good order and repair and, if of wood, shall be kept well painted with light colored paint.

§ 46. CELLAR WALLS AND CEILINGS.—The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner and shall be so maintained. Such white-wash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 47. REPAIRS.—Every tenement house and all the parts thereof shall be kept in good repair, and the roof shall be kept so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

§ 48. WATER SUPPLY.—Every tenement house shall have running water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families. The owner shall provide proper and suitable tanks, pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night. But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

§ 49. CLEANLINESS OF BUILDINGS.—Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth and garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same. The owner of every tenement house or part thereof shall thoroughly cleanse and keep clean at all times all of the parts, appurtenances and premises of a tenement house in common use among the tenants; and each tenant shall cleanse and keep clean at all times each room

and apartment occupied by him, to the satisfaction of the health department.

§ 50. WALLS OF COURTS AND SHAFTS.—The walls of all yard courts, and inner courts, unless built of a light color brick or stone, shall be thoroughly whitewashed by the owner or shall be painted a light color by him, and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be required by the health department.

§ 51. WALLS AND CEILINGS OF ROOMS.—In all tenement houses, the health department may require the walls and ceilings of every room that does not open directly on the street to be kalsomined white or painted with white paint when necessary to improve the lighting of such room, and may require this to be renewed as often as may be necessary.

§ 52. WALL PAPER.—No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

§ 53. RECEPTACLES FOR ASHES, GARBAGE AND RUBBISH.—The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

§ 54. PROHIBITED USES.—No horse, cow, calf, swine, sheep, goat, or chickens shall be kept in a tenement house, or on the same lot or premises thereof, and no tenement house, or the lot or premises thereof, shall be used for a lodging house for transients or as a stable, or for the storage or handling of rags, or as a place of public assemblage, or as a place of assignation or prostitution.

§ 55. COMBUSTIBLE MATERIALS.—No tenement house or any part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any combustible article, except under such conditions as may be prescribed by the health department, under authority of a written permit issued by said department. No tenement house or any

part thereof, or the lot upon which it is situated, shall be used as a place of storage, keeping or handling of any article dangerous or detrimental to life or health, or for the storage, keeping or handling of feed, hay, straw, excelsior, cotton, paper stock, feathers or rags.

§ 56. **BAKERIES AND FAT BOILING.**—No bakery and no place of business in which fat is boiled, shall be maintained in any tenement house which is not fire-proof throughout.

§ 57. **OTHER DANGEROUS BUSINESSES.**—There shall be no transom, window or door opening into a hall from any portion of a tenement house where paint, oil, spirituous, or intoxicating liquors or drugs are stored for the purpose of sale or otherwise.

§ 58. **JANITOR OR HOUSEKEEPER.**—In any tenement house in which the owner thereof does not reside, and where there are ten or more apartments, there shall be a janitor, housekeeper or other responsible person, who shall reside in said house and have charge of the same, if the health department shall so require.

§ 59. **OVERCROWDING.**—If a room in a tenement house is overcrowded, the health department may order the number of persons sleeping or living in said room to be so reduced that there shall not be less than six hundred cubic feet of air to each adult, and four hundred cubic feet of air to each child under twelve years of age occupying such room.

§ 60. **INFECTED AND UNINHABITABLE HOUSES TO BE VACATED.**—Whenever it shall be that a tenement house, or any part thereof, is infected with contagious disease, or that it is unfit for human habitation, or dangerous to life or health by reason of want of repair, or defects in the drainage, plumbing, ventilation, or the construction of the same, or by reason of the existence on the premises of a nuisance likely to cause sickness among the occupants of said house, the health department may issue an order requiring all persons therein to vacate such house,

or part thereof, within not less than twenty-four hours nor more than ten days, for reasons to be mentioned in said order. In case such order is not complied with within the time specified, the health department may cause said tenement house or part thereof to be vacated. The department, whenever it is satisfied that the danger from said house or part thereof has ceased to exist, or that it is fit for human habitation, may revoke said order, or may extend the time within which to comply with the same.

§ 61. REPAIRS TO BUILDINGS, ETC.—Whenever any tenement house or any building, structure, excavation, business pursuit, matter or thing, in or about a tenement house, or the lot on which it is situated, or the plumbing, sewerage, drainage, light or ventilation thereof, is, in the opinion of the health department, in a condition dangerous or detrimental to life or health, the health department may declare that the same, to the extent it may specify, is a public nuisance, and may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as the order shall specify. The health department may order or cause any tenement house or part thereof or any excavation, building, structure, sewer, plumbing pipe, passage, premises, ground, matter or thing, in or about a tenement house, or the lot on which it is situated, to be purified, cleaned, disinfected, removed, altered, repaired or improved. If any order of the department is not complied with, within five days after the service thereof, or within such time as the department may designate, then such order may be executed by said department through its officers, agents, employes or contractors.

§ 62. FIRE ESCAPES.—Every tenement house hereafter erected, over two stories and a basement in height, and every building hereafter altered for use as a tenement house, over two stories and a basement in height, shall be equipped and kept equipped

with such fire escapes for each floor as shall be deemed adequate by the building department. The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint. No person shall at any time place any incumbrance of any kind before or upon any such fire-escape. Every tenement house hereafter erected, over three stories and a basement in proof construction. Every tenement house hereafter erected, over three stories and a basement in height, and every non-fire-proof building hereafter altered for use as a tenement house, over three stories and a basement in height, shall be of fire-proof construction.

§ 63. FIRE PROOFING, SCUTTLES, BULKHEADS, LADDERS AND STAIRS.—All scuttles and bulkheads and all stairs or ladders leading thereto shall be easily accessible to all tenants of the building, and kept free from incumbrance, and ready for use at all times. No scuttle and no bulkhead door shall be at any time locked with a key, but either may be fastened on the inside by sliding bolts or hooks.

ARTICLE IV.

IMPROVEMENTS.

§ 64. ROOMS, LIGHTING AND VENTILATION OF.—No room in a tenement house existing prior to the passage of this act shall hereafter be occupied for living purposes unless it shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or above the roof of an adjoining building, or upon a court of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is adequately lighted and ventilated by a skylight opening directly to the outer air. Every room which does not comply with the above provisions shall be provided with a sash window, opening into

an adjoining room in the same apartment which latter room either opens directly on the street or on a yard of the above dimensions. Said sash windows shall be a vertically-sliding pulley hung sash not less than three feet by five feet between stop beads; both halves shall be made so as to readily open, and the lower half shall be glazed with translucent glass, and so far as possible it shall be in line with windows in outer rooms opening on the street or yard so as to afford a maximum of light and ventilation. In the case of rooms located in apartments that extend through from the street to the yard, thus insuring thorough ventilation, where such rooms are already provided either with windows, window openings, glass sliding doors, or large alcove openings to adjoining rooms, but do not comply with all the provisions of this section, the health department when satisfied that no material improvement in the light and ventilation of such rooms can be had that would warrant the providing of new windows of the size and kind specified, may permit the occupancy of such rooms for living purposes in certain cases, provided such improvements or alterations as may be practicable and as are required by said department are made by the owner, and said certain cases are as follows:

1. Where there is an existing window or window-opening from such interior room to an adjoining room and such window or opening is not less than ten square feet in area.

2. Where there is an existing glass sliding door or an alcove opening of sufficient size from such interior room to an adjoining room.

3. Where rooms located on the top floor open upon a court of less size than twenty square feet or closed at the top, but such rooms have sufficient light and ventilation.

4. Where owing to the size of partitions, arrangement of rooms, location of fixed closets or stairs, or the interposition of air shafts, it is im-

practicable to provide a window of the required size, and a window as large as practicable is provided.

§ 65. PUBLIC HALLS, LIGHTING OF.—In every tenement house whenever a public hall on any floor is not light enough in the daytime to permit a person to read common news-print of a newspaper in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms, shall be removed, and ground glass, or other translucent glass or wire glass panels of an aggregate area of not less than four square feet for each door, shall be substituted; or said public hall may be lighted by a window or windows at the end thereof with the plane of each window at right angles to the axis of the said hall, said window or windows opening upon the street or upon a yard or court.

§ 66. PUBLIC HALLS, LIGHTING AND VENTILATION OF.—In all tenement houses erected prior to the passage of this act, the public halls and stairs shall be provided with as much light and ventilation to the outer air as may be deemed practicable by the health department, which may order such improvements and alterations in said houses as in its judgment may be necessary to accomplish this result. All new skylights hereafter placed in such houses shall be provided with ridge ventilators having a minimum opening of forty square inches and also with either fixed or movable louvres or with movable sashes, and shall be of such size as may be determined to be practicable by said department.

§ 67. PUBLIC SINKS.—In all tenement houses erected prior to the passage of this act, the woodwork inclosing sinks located in the public halls or stairs shall be removed, and the space underneath said sinks shall be left open. The floors and wall surfaces beneath and around the sink or sinks shall be put in good order and repair and, if of wood, shall be well painted with light-colored paint.

§ 68. WATER-CLOSETS.—In all tenement houses

erected prior to the passage of this act, the woodwork inclosing all water-closets shall be removed from the front of said closets, and the space underneath the seat shall be left open. The floor or other surface beneath and around the closet shall be put in good order and repair, and if of wood, shall be well painted with light-colored paint.

§ 69. PRIVY VAULTS, SCHOOL SINKS AND WATER CLOSETS.—In all tenement houses erected prior to the passage of this act, where a connection with a sewer is possible, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall, within two years from the passage and approval of this act, be completely removed and the place where they were located disinfected under the direction of the health department. Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer-connected, and with individual traps and properly-connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl. Each water-closet shall be located in a compartment completely separated from every other water-closet, and such compartment shall contain a window of not less than three square feet in area opening directly to the street or yard or on a court. The floors of the water-closet compartments shall be water-proof as provided in Section 29 of this act. Where water-closets are placed in the yard, to replace school sinks or privy vaults, long hopper closets may be used; but all traps, flush tanks and pipes shall be protected against the action of frost. In such cases, the structure containing the water-closets shall not exceed ten feet in height; such structure shall be provided with a ventilating skylight in the roof, of an adequate size, and each water-closet shall be located in a compartment completely separated from every other water-closet. Proper and adequate means for lighting the structure at night shall be provided. There shall be provided at

least one water-closet for every four families or less in every tenement house existing on the day this act takes effect. Except as in this section otherwise provided, such water-closets and all plumbing in connection therewith shall be in accordance with the ordinances and regulations of the city in relation to plumbing and drainage.

§ 70. BASEMENTS AND CELLARS.—The floor of the cellar or lowest floor of every tenement house shall be free from dampness and, when necessary, shall be concreted with four inches of concrete of good quality and with a finished surface. The cellar ceiling of every tenement house shall be plastered, when so required by the health department, except where such ceiling is already well sheathed with matched boards, or well covered with a metal ceiling, or where the first floor above the cellar is constructed of iron beams and fireproof filling.

§ 71. SHAFTS AND COURTS.—In every tenement house there shall be at the bottom of every shaft and inner court, a door giving sufficient access to such shaft or court to enable it to be properly cleaned out; provided, that where there is already a window or door in a tenement house, giving proper access to such shaft or court, such window or door shall be deemed sufficient.

ARTICLE VI.

REQUIREMENTS AND REMEDIES.

§ 72. PERMIT TO COMMENCE BUILDING.—Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, and before the construction or alteration of any building or structure on the same lot with a tenement house, the owner or his agent or architect, shall submit to the Inspector of Buildings and to the Health Department, a detailed statement in writing verified by the affidavit of the person making the statement, of the

specifications for the light and ventilation and sanitation of such tenement house or building, and also a full and complete copy of the plans of such house or building and of the proposed work, and a correct plat, by dimensions, of the lot occupied or to be occupied. Such statement shall give in full the name and residence, by street and number, if any, of the owner or owners of such tenement house or building. If such construction, alteration or conversion is proposed to be made by any other person than the owner of the land in fee, such statement shall also contain the full name and residence, by street and number, if any, of such other person, whether he be owner, lessee or agent. Said affidavit shall allege that said specifications and plans are true, and contain a correct description of such tenement house, building, structure, lot and proposed work. The statements and affidavits herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect. No person, however, shall be recognized as the agent of the owner, for the purpose of this act, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent. Any false swearing in a material point in any affidavit provided for in this act shall be deemed such, and punished as such under the laws of the Commonwealth. Such specifications, plans, affidavits and statements shall be filed in the said departments and shall be deemed public records, and no such specifications, plans, affidavits or statements shall be removed from said departments. The said departments shall cause all such plans, statements, affidavits and specifications to be examined, and if they conform to the provisions of this act relative to the light, ventilation and sanitation of tenement houses, they shall be approved by the health department, and a written certificate to that effect shall be issued to the person submitting the same. Com-

pliance with the provisions of this Act, other than those relating to light, ventilation and sanitation, shall be under the supervision of the department of building, and if such plans, statements, affidavits and specifications conform to the provisions of this act in such other respects, they shall also be approved by said building department, and a written certificate to that effect issued to the person submitting the same. The respective departments may, from time to time, approve changes in any plans and specifications previously approved by them, provided the plans and specifications when so changed shall be in conformity with the law. The construction, alteration or conversion of such tenement house, building or structure or any part thereof, shall not be commenced until the filing of such plans, affidavits, specifications and statements, and the approval thereof, as above provided. The construction, alteration or conversion of such house, building or structure, shall be in accordance with such approved specifications and plans. Any permit or approval which may be issued by the health or building department, but under which no work has been done above the foundation walls within one year from the time of the issuance of such permit or approval, shall expire by limitation. Said departments or either of them shall have power to revoke or cancel any permit or approval in case of any failure or neglect to comply with any of the provisions of this act, or in case any false statement or representation is made in any specifications, plans, affidavits or statements submitted or filed for such permit or approval.

§ 73. CERTIFICATE OF COMPLIANCE.—No tenement house hereafter altered or constructed or building altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the health department that said building conforms in all respects to the requirements of this act relative to the light, ventilation

and sanitation of tenement houses, and until the issuance of a certificate by the building department, that said house conforms in all other respects to the requirements of this act.

§ 74. PENALTIES AND VIOLATIONS.—Every person who shall violate, or assist in the violation of any provision of this act, shall be fined not less than ten dollars nor more than twenty-five dollars for each and every day that such violation shall continue. Such person or persons shall also be liable for all costs, expenses and disbursements paid or incurred by said departments, or by any of the officers thereof, or by any agent, employe or contractor of the same, in the removal of any nuisance or violation. The existence of any nuisance or violation of this act in or upon the property, shall subject said property to the fines and penalties prescribed by this act, and the said fines and penalties shall be a lien thereon from the time of the creation or existence of such nuisance or violation, and may be enforced in a proper proceeding in rem in any court of competent jurisdiction.

§ 75. PROCEDURE.—In case any tenement house, building or structure or any part thereof is constructed, altered, converted or maintained in violation of any provision of this act or any order or notice of the departments charged with its enforcement, or in case a nuisance exists in any such tenement house, building or structure, or upon the lot on which it is situated, either of said departments or the city attorney or corporation counsel may institute in the name of the city any appropriate civil action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, or to restrain, correct or abate such violation or nuisance, or to prevent the occupation of said tenement house, building or structure, or to prevent any illegal act, conduct or business in or about such tenement house or lot, or for the imposition or collection of any fine or penalty prescribed by this act.

§ 76. **REGISTRY OF OWNER'S NAME.**—Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the health and building departments a notice containing his name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the said departments easily to find him and the property.

§ 77. **REGISTRY OF AGENT'S NAME.**—Every owner, agent or lessee of a tenement house shall file in the departments of health and of buildings a notice containing the name and address of an agent, residing in the city wherein the house is located, for the purpose of receiving service of process, in all actions herein provided for, and also a description of the property by street number or otherwise in such a manner as will enable the said departments to easily find the same. The name of the owner or lessee may be filed as agent for this purpose.

§ 78. **SERVICE OF NOTICE AND ORDERS.**—Every notice or order issued by the departments in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued. The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to such person, if any, whose name has been filed with the departments of health or building in accordance with the provisions of Sections 76 and 77 of this act, at his address as therewith filed, shall be sufficient service thereof.

§ 79. **INDEXING NAMES.**—The names and addresses filed in accordance with Sections 76 and 77 shall be indexed by the departments of health and of building, in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable. The said departments shall provide the necessary books

and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Said indexes shall be public records, open to the public inspection during business hours.

§ 80. DISAGREEMENTS BETWEEN DEPARTMENTS.—In case of any disagreements between the health and building departments with respect to the construction and enforcement of this act or any part thereof, the question shall be referred to the board of public safety for final determination.

§ 81. FINES AND RECOVERIES TO BE PAID INTO CITY TREASURY.—All fines and recoveries realized under this act shall be paid to the City Treasurer.

§ 82. DUTY OF CITY ATTORNEY OR CORPORATION COUNSEL.—It shall be the duty of the City Attorney or Corporation Counsel and his assistants, to render all legal service that may be required for the enforcement of any or all of the provisions of this act.

§ 83. LAWS REPEALED.—All statutes of the State and all local ordinances, so far as inconsistent with the provisions of this act, are hereby repealed.

§ 84. WHEN TO TAKE EFFECT.—This act shall take effect from and after its passage.

Approved March 21, 1910.

CHAPTER 42.

AN ACT to establish a plant for the preparation of hog cholera serum and for the distribution of same to the farmers of the State.

WHEREAS, the disease known as hog cholera causes great loss to the farmers of this Commonwealth each year; and, whereas, a serum and virus for the prevention of such disease is now being used by the National Government and other States; and whereas, the National Government does not furnish this serum for use on farms; and other States, as a rule, supply only the citizens of their own State; and, whereas, this serum to be effective must be pure and made under scientific direction; and, whereas, it would be of

Preamble,

the greatest benefit to the farmers of the State to be able to secure such pure serum and at cost price, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Cholera Serum
plant estab-
lished.

§ 1. That there be, and is hereby, established at the Kentucky Agricultural Experiment Station a plant for the manufacture of serum and virus for the prevention of hog cholera.

§ 2. The preparation of such serum shall be under the rules and regulations of the director of the Experiment Station and shall be distributed by the Commissioner of Agriculture and the State Board of Agriculture, Forestry and Immigration.

§ 3. Said Experiment Station shall charge for the hog cholera serum manufactured under the provision of this act, cost price of manufacture not to exceed two cents per cubic centimeter, and one cent per cubic centimeter for the virus.

Appropriation
\$2,000.00.

§ 4. That for the purpose of installing the necessary plant and equipment, including animals and labor, for preparing a hog cholera serum and virus, the sum of two thousand dollars (\$2,000.00) is hereby appropriated.

Reports to be
made.

§ 5. The Board of Control of said Experiment Station shall furnish to the Auditor of Public Accounts an itemized statement of the expenditures of money under this act. The expenditures reported to the Auditor shall be paid by the Commonwealth to the director of the Experiment Station upon the written request of the Board of Control of said Experiment Station, and the Auditor for the payment of same is directed to draw his warrant upon the Treasurer, as in all other claims against the Commonwealth.

Emergency.

§ 6. Whereas, the disease known as hog cholera now exists in the State, and, whereas, an epidemic of the disease is liable to break out at any time, therefore, an emergency is hereby declared to exist

and this act shall take effect and become a law from and after its passage and approval by the Governor.

Approved March 21, 1910.

CHAPTER 43.

AN ACT to provide life-saving apparatus for the Chief State Inspector of Mines and Assistant Inspectors.

WHEREAS, The inspectors of mines for this State have no apparatus that will enable them to quickly enter the mine under their supervision after explosions or in the case of fires, for the purpose of rescuing persons in the mines when such accidents occur, but must depend for such aid upon other and distant sources, or upon persons who, even if within reasonable distance of the mines, have no official relation to them and are not familiar with their underground workings; and,

Preamble.

Whereas, experience has shown that lives may be lost solely because of the fact that the inspectors, without proper apparatus, cannot enter the mines at once after explosions or in case of fires because of the resulting deadly gases and smoke, but must expend much previous time in working to first restore ventilation, during which delay men may die who otherwise might be saved; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Chief State Inspector of Mines be, and is hereby, authorized and directed to purchase six (6) sets of life-saving apparatus for mines (one set for each assistant inspector and one for the chief inspector), said apparatus to consist of twelve Draeger oxygen helmets and accessory equipment, such as oxygen tanks, potash cartridges, charging pumps, boxes for transportation and such other parts as go to make the apparatus complete, or the same number of sets of such other similar life-saving apparatus, of equal merit to that named, should it prove upon investigation, to be the more desirable.

Life Saving
Apparatus provided.

§ 2. The chief inspector is directed, before pur-

chase of the apparatus, to visit the manufactory or place of sale of such apparatus and make selection of the apparatus in order that perfect outfits may be secured.

Assistants to
have apparatus.

§ 3. Five sets of the apparatus (a set consisting of two helmets and accessories) shall be distributed among the assistant inspectors of mines, who shall take due care of their respective sets and see that they are at all times in proper condition for immediate use.

Supplies; how
purchased.

§ 4. The supplies of oxygen and of potash bulbs required from time to time, and necessary repairs to the apparatus, shall be paid for and treated as necessary expenditures by the inspectors in the performance of their official duties.

Appropriation
\$4,000-00.

§ 5. For the purchase of said apparatus, which shall be the property of the State, the sum of four thousand dollars (\$4,000) or so much thereof as may be required is hereby appropriated. The bills for said apparatus shall be paid upon the order of the chief inspector of mines, approved by the Governor, and any unexpended balance shall be returned to the treasury.

Approved March 21, 1910.

CHAPTER 44.

AN ACT requiring Fiscal Courts to levy a tax to create a sinking fund for the purpose of erecting and equipping suitable court houses and other public buildings, and prescribing penalty for failure to perform such duty.

Preamble.

WHEREAS, there are a number of counties in this Commonwealth without convenient and suitable court houses and jails; and,

Whereas, the Fiscal Courts have failed and refused to provide convenient, safe and suitable places for holding courts and preserving public records; and,

Whereas, property rights have thereby greatly suffered, and the administration of justice seriously impaired; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That it shall be the duty of the Fiscal Court or Court of Claims in each and every county in this Commonwealth, in which there is no court house or jail, to levy and have collected, annually, a tax of not less than ten cents on each one hundred dollars worth of taxable property in such county as shown by the last returned assessment, and set the same apart for that purpose, until a sufficient fund shall have been accumulated to erect and equip, at the county seat, a convenient and suitable court house and jail for said county; said fund when so levied and collected shall be used only for the purposes for which it was created.

Fiscal Court to
levy tax for
Courthouse.

§2. A failure on the part of the members, or of any member of the Fiscal Court of any county in this State, to comply with or perform the duties required by this act, shall constitute misfeasance in office, and upon their indictment and conviction, or upon the indictment and conviction of any member, he or they, shall be punished accordingly, and each year such Fiscal Court, or any member thereof, shall fail or refuse to make said levy and collect said tax is hereby declared to be a separate offense.

Penalty for
failure to levy.

§3. For the purposes of this act the Fiscal Court shall consist of the justices of the peace and the County Judge of the county: Provided, however, that the County Judge shall not be deemed guilty of a violation of this act unless he shall have a vote upon said question, and cast his vote against said levy: Provided, further, that each member of said court who shall vote in favor of said levy, and cause his vote to be so recorded, shall not be guilty under this act.

§4. All acts and parts of acts in conflict herewith are hereby repealed.

- Approved March 21, 1910.

CHAPTER 45.

AN ACT to amend Section 965 Kentucky Statutes, relating to Circuit Courts in the Sixth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 965 of the Kentucky Statutes, in so far as it relates to the sixth circuit court district be, and the same is hereby amended by striking from said section all that part which relates to the time of holding courts in the sixth circuit court district, and inserting in lieu thereof the following:

Sixth District—Daviess County, at Owensboro, three terms, beginning on the fourth Monday in February, thirty juridical days; first Monday in September, twenty-four juridical days, and first Monday in December, twenty-four juridical days; and three terms, beginning on the first Monday in January, twelve juridical days; fourth Monday in May, twelve juridical days, and first Monday in November, twelve juridical days.

McLean County, at Calhoun, three terms, beginning on the third Monday in January, twelve juridical days; second Monday in May, twelve juridical days, and first Monday in October, twelve juridical days.

Ohio County, at Hartford, four terms, beginning on the first Monday in February, eighteen juridical days; third Monday in April, twelve juridical days; second Monday in June, eighteen juridical days, and third Monday in October, twelve juridical days.

Hancock County, at Hawesville, three terms, beginning on first Monday in April, twelve juridical

days; first Monday in July, twelve juridical days, and third Monday in November, twelve juridical days.

Approved March 21, 1910.

CHAPTER 46.

AN ACT relating to the holding of Circuit Courts in counties having therein cities of the third class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any county of this Commonwealth having therein, or that may hereafter have therein, a city of the third class, not a county seat, and being more than ten miles from the county seat, the distance to be measured from the court house at said county seat to the postoffice of said third class city, and along the most convenient and usually traveled route, the Circuit Courts of such counties shall be held alternately so as to divide the time between the county seat, and the said third class city, as the business may require, the first part of each term as now provided by law to be held at the county seat, and the other part of the term to be held at said third class city.

Courts to be held in Cities of third Class, not County Seat.

It shall be the duty of the Judge of the Circuit Court of the Judicial district, in which said third class city is situated, to cause to be summoned and impaneled grand and petit juries, and in all things to conduct the said court in said third class city in the same manner as provided by law for holding courts in the county seats of the county in which the third class city is located: Provided, however, that said Circuit Court may adjourn the grand or

Duty of Court.

petit jury selected for the holding of courts at either of said places to the other.

Cases; where
to be tried.

All civil cases brought and prosecuted in said county, shall be tried in the court nearest where the defendant resides, the distance to be measured along and by the most convenient and usually traveled route. Where there are two or more defendants, part of whom reside near the county seat, and part nearer the said third class city, the case may be tried at either place. In all cases the court shall have a liberal discretion, and may try any case at either place, where the ends of justice and convenience of the greater number of parties and witnesses may be subserved and the decision of the court in this regard shall be final, and not subject to exception, or review on appeal.

Criminal cases shall be tried at the place nearest where the offense was committed, provided, if the court be of the opinion that the ends of justice would be better subserved thereby, he may try any criminal case at either of said places, and it shall not be a ground of appeal or reversal that any such case was tried at one place when it should have been tried at the other.

City to furnish
Court room.

Any third class city coming within the provisions of this act shall be entitled to its benefits, whenever suitable provision is made by said city for furnishing a court room, a safe and suitable vault and depository for all books, papers and records pertaining to the said Circuit Court and any other expense to the county, and whenever it is made to appear to the Circuit Judge that said city has made the necessary provisions for holding said court, as provided in this act, it shall then be the duty of said Judge, upon application of said third class city, on the first day of the first term after filing said application, to enter an order directing the latter portion of said term, and each term thereafter to be held in said third class city, and all cases shall be assigned for trial at one or the other of said places of

holding said court, in accordance with the terms of this act.

Approved March 21, 1910.

CHAPTER 47.

AN ACT for the benefit of The Kentucky Normal and Industrial Institute for colored persons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the general revenue of the State for the benefit of the Kentucky Normal and Industrial Institute for Colored Persons at Frankfort, Kentucky, the following named sums for the specific purposes named and set out herein, as follows:

§ 1. For the purpose of heating the administration building and purchasing appropriate apparatus for same, the sum of Four Thousand Dollars (\$4,000.00) is hereby appropriated.

§ 2. For the purpose of seating the auditorium in the administration building, the sum of Sixteen Hundred Dollars (\$1,600.00) is hereby appropriated.

§ 3. For the purpose of furnishing the President's offices, the sum of Two Hundred Dollars (\$200.00) is hereby appropriated.

§ 4. For the purpose of furnishing and equipping the sewing department, the sum of One Hundred Dollars (\$100.00) is hereby appropriated.

§ 5. For the purpose of furnishing and equipping the cooking department, the sum of One Hundred and Fifty Dollars (\$150.00) is hereby appropriated.

§ 6. For the purpose of furnishing and equipping one room for the model school, the sum of Fifty Dollars (\$50.00) is hereby appropriated.

Disapproved. § 7. For the purpose of building and furnishing a residence for the President, the sum of Twelve Hundred Dollars (\$1,200.00) is hereby appropriated.

Disapproved. § 8. For the purpose of putting down cement sidewalks on the grounds, the sum of One Thousand Dollars (\$1,000.00) is hereby appropriated.

§ 9. For the purpose of equipping the printing department, the sum of Two Hundred Dollars (\$200.00) is hereby appropriated.

§ 10. For the purpose of equipping the mechanical department, the sum of Two Hundred Dollars (\$200.00) is hereby appropriated.

§ 11. For the purpose of equipping the agricultural department, the sum of Two Hundred Dollars (\$200.00) is hereby appropriated.

§ 12. For the purpose of equipping the library, the sum of One Hundred Dollars (\$100.00) is hereby appropriated.

§ 13. Whereas, There are now valuable buildings, equipment and other property without any maintenance fund for the care, growth and development of the institution, the sum of Three Thousand Dollars (\$3,000.00) is hereby annually appropriated for this purpose.

Approved March 21, 1910, with exception of Sections 7 and 8, both of which were disapproved.

CHAPTER 48.

AN ACT concerning the employment of persons to serve as foremen for coal mines, and regulating the granting of certificate of qualification to persons who seek to act as such mine foremen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No owner, lessee, or operator of a coal mine in which as many as fifteen persons are employed

at one time shall employ as mine foreman any person who has not been granted a certificate of qualification to the effect that he has been examined by the Board of Examiners, provided for in Chapter 59, Acts of the General Assembly of 1908, and has been found fit and competent.

Mine foreman
to hold certifi-
cate.

§ 2. The certificates of qualification shall be divided into three classes, namely, First Class, which shall authorize the holder to act as foreman for all classes of coal mines; Second Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine; and Third Class, which shall authorize the holder to act as foreman for any non-gaseous coal mine in which not more than twenty-five persons are employed at one time.

Classes of cer-
tificates.

§ 3. A non-gaseous mine is hereby defined as one which does not generate explosive gas in sufficient quantity to make accident therefrom possible under any conditions that may reasonably be expected to occur in the operation of the mine.

Definition of
non-gaseous
mine.

§ 4. The class of certificate which may be awarded to an applicant who has been examined shall be determined by the Board of Examiners according to the nature of examination taken by the applicant or by the grade made by the applicant in the examination.

Classes of Cer-
tificates.

§ 5. No certificate shall be granted to any person who does not present to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known, responsible persons in the locality whence he comes, that the applicant is a man of sobriety and good moral character, and that he has had at least five years' practical experience at and in coal mines.

Who entitled
to.

§ 6. Certificate may be granted only to persons who are residents of the State or employed at mines within the State.

Penalty.

§ 7. Any owner, lessee, or operator of a coal mine willfully failing or refusing to comply with this act, and any person acting as foreman at a

coal mine without having a certificate from the Board of Examiners authorizing him to act as such foreman, shall be deemed guilty of misdemeanor and shall be liable to a fine of not less than one hundred dollars nor more than two hundred.

§ 8. Nothing in this act shall be construed as in any way affecting mine foremen who have heretofore been granted certificates by the Board of Examiners.

§ 9. All acts in conflict with this act are to the extent of such conflict hereby repealed.

Approved March 21, 1910.

CHAPTER 49.

AN ACT to provide for the appointment of Trustees for County Academies and Seminaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the number of the trustees of any county academy or seminary, heretofore created by Act of the General Assembly of the Commonwealth of Kentucky, has been reduced by death, resignation, or otherwise, to less than a quorum, the County Court of the county for which such academy or seminary was created, shall have authority, and it shall be its duty, to fill said vacancies by appointing trustees for such academy or seminary. The trustees so appointed shall have the authority heretofore conferred, or that may be hereafter conferred, upon trustees of such academy or seminary.

Approved March 21, 1910.

CHAPTER 50.

AN ACT to amend an act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter in due course became a law, and as same, has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An Act for the government of cities of the second class in the Commonwealth of Kentucky," which was approved March 19, 1894, and thereafter became a law, and the amendments thereto, which act and which amendments do now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll's Edition thereof in 1909, be amended by adding thereto, at the end thereof, the following provisions:

§ 1. Any city of the second class under the laws of the Commonwealth of Kentucky, may become organized and be governed under the provisions of this act by proceeding as hereinafter provided. Organizing under this act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

Commission-
ers for Second
Class Cities.

§ 2. All laws applicable to and governing cities of the second class and not inconsistent with the provisions of this act, shall continue to apply to and govern each city that may organize under this act. And all by-laws, ordinances, and resolutions in force in any such city and not inconsistent with the provisions of this act, shall continue to be in force until altered or repealed in manner provided for in this act.

Present laws
to be in effect.

County Judge
to call election.

§ 3. It shall be the duty of the County Judge in the county in which is located a city proposing to take the sense of its voters, as herein provided, upon the question of organizing and being governed under this act, upon the application by written petition signed by a number of the legal voters of said city equal to twenty-five per centum of the votes cast in said city at the last preceding general election, to receive said petition, and at the next regular term thereafter, to make an order on his order book directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff, or other officer of said county who may be appointed to hold said election, to open the polls at each and all of the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens in said city are in favor of the organization and government of said city under the provisions of this act. The question to be submitted to the voters shall be:

Form of Ballot

“Are you in favor of the organization and government of the City of ----- (naming the city in which said vote is to be taken) under the provisions of An Act to amend an act entitled ‘An Act for the government of cities of the second class in the Commonwealth of Kentucky,’ which was approved March 19, 1894, and thereafter in due course became a law, and as same has since been amended, all of which said act and amendments now appear as Article 3, of Chapter 89, of the Kentucky Statutes, in John D. Carroll’s Edition thereof, in 1909, adopted by the General Assembly of Kentucky at the 1910 session thereof.”

Duty of County
Clerk and
Sheriff,

It shall be the duty of the county clerk to give to the sheriff of the county, or to such officer as may be appointed to hold said election, a certified copy of the order of the county court, as it appears on the order book, within five days after such order is

made; and it shall be the duty of said sheriff, or other such officer, to have said order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand-bills, posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of said paper refuses to publish such notice, the printed or written hand-bills provided for, shall be sufficient notice. The sheriff or other such officer shall have the advertisement and notices herein provided for posted as herein required, within seven days after he receives the order of the county court. All elections provided for in this act, except the primary elections, shall be held on the regular election day, by the regular election officers.

Publication of
notice.

If it shall be found that a majority of the legal votes cast at the election herein above provided for, were given for or against said proposition submitted, it shall be the duty of the canvassing board to certify that fact, which certificate shall be delivered to the clerk of the county court and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the county judge shall cause the same to be spread on the order book of said court, and the entry of said certificate in the order book, or copy thereof, shall be *prima facie* evidence of the facts therein contained.

Canvassing
Board; duties.

When a majority of the votes cast shall be in favor of organizing and governing the city under the provisions of this act, and said fact shall be certified as hereinbefore provided, by the said canvassing board to the county clerk, a copy of which shall be certified to the city clerk, and said copy of said certificates shall be spread upon the records of said county, as herein provided, and upon the records of said city, at the next regular meeting of the city council; thereupon said city shall be

Vote Certified
to Clerks.

organized and governed by the provisions of this act.

Offices to be
abolished.

§ 4. All the present city offices, save those of Mayor and Police Judge, shall, at the expiration of that year which shall next follow the year in which said election is held, be *ipso facto* abolished.

Mayor and
Commissioners
to be elected.

§ 5. At the regular city election in November of the year next following the year in which said election is held, there shall be elected by the qualified registered voters of the city a Mayor and four Commissioners. Said officers shall be elected from the city at large, and only in the following manner:

§ 6. No person shall be elected without first having been nominated in the manner hereinafter prescribed. On the third Saturday before the day for the regular election, there shall be held a primary election. Said primary election shall be conducted by the same officers chosen and acting in the same manner, with the same rights and duties, as in the later regular election.

Petition to be
filed.

Each applicant for nomination shall, at least ten days before the day for said primary election, file with the county clerk a petition signed by at least one hundred voters and in the following form:

“We, the undersigned, qualified voters of the City of ----- (naming it), and residing each at the place indicated opposite his name signed hereto, do hereby request that the name of ----- (naming the applicant), be placed on the ballot as that of an applicant for nomination for the office of ----- (naming the office sought), at the primary election to be held in our city on the third Saturday before the next regular election. We know the applicant to be a qualified voter of the city and a man of good character; and he is, in our judgment, qualified for the duties of the office sought by him.”

NAMES.	NUMBERS.	STREETS.

Such petition shall be verified by the affidavit of some person or persons as to the genuineness of the signatures and addresses of the signers.

No voter shall sign more than one such petition with reference to each office that is to be filled. In the event that a person shall sign more than one petition of applicants for nomination for Mayor or Police Judge, or shall sign the petitions of more than four applicants for nomination for commissioners, then the name of said petitioner shall not be counted as a valid name on any of said petitions.

Voter not to
sign more than
one or four peti-
tions.

Immediately upon the expiration of the time for filing such petitions, the said County Clerk shall cause to be published for three successive days in the official newspaper of the city, and in such other papers as he may designate, in proper form, the names of the persons as they will appear upon the primary ballots; and the said Clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon said ballots the names of said applicants for each nomination shall be placed in alphabetical order, with a square at the right of each name, and above the names of the applicants for nomination for Mayor shall be printed the words, "Vote for one," and above the names of the applicants for nominations for Commissioners shall be printed the words, "Vote for four."

The ballots shall contain no party designation, or

emblem of any kind, nor any sign indicating any applicant's political belief, or party affiliation.

Duty of County Clerk.

Having caused said ballots to be printed, the said County Clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last preceding general municipal election for Mayor. The persons who are qualified to vote at the general municipal election shall be qualified to vote at such primary election, and the law applicable to challenges made at a general municipal election shall be applicable to challenges made at such primary election. The officers of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each precinct for each of the applicants, and make return thereof to the County Clerk, upon proper blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the County Board of Election Commissioners shall canvass said returns so received from all the polling precincts, and shall publish in the official newspaper of the city at least once, the result thereof. Said canvass by the County Board shall be publicly made.

Vote; how Canvassed.

At such primary election the two applicants receiving the highest number of votes for nomination for Mayor shall be thereby nominated; and the eight applicants receiving the highest number of votes for nominations for Commissioners shall be thereby nominated.

Nominees to be voted for at regular election.

§ 7. At the regular election, next following, the names of the nominees shall be placed in alphabetical order upon ballots differing from those used at the nomination only in that they (the election ballots) shall contain only the names of the successful applicants for nomination. And the one nominee receiving the greatest number of votes cast for Mayor, and the four nominees receiving the greatest num-

ber of votes cast for Commissioners, shall be elected, respectively, Mayor and Commissioners.

§ 8. Every fourth year after the regular election herein above provided for, at the corresponding times of the year, a primary election and an election shall be held in the same manner, and for the same offices, as above described.

§ 9. Beginning with the second year after the regular election herein first above provided for, at the corresponding times of the year, and every fourth year thereafter at the corresponding times of the year, a primary election and an election shall be held in the same manner and for the same offices as above described, except that instead of electing the Mayor, the Police Judge shall be elected.

Future elections; when to be held.

Any legal voter of not less than twenty-five years of age, and possessing the other qualifications prescribed by law, shall be eligible to election to any office under this act.

Qualifications Candidates.

§ 10. The Mayor shall be elected for a term of four years beginning on the first Monday in January following his election; and he shall receive an annual salary of Thirty-six Hundred Dollars (\$3,600.00).

Salary of Mayor.

§ 11. The Commissioners shall be elected each for a term of two years beginning on the first Monday in January following his election; and each Commissioner shall receive an annual salary of Three Thousand Dollars (\$3,000.00).

Salaries of Commissioners.

The Commissioner of each department shall keep a public office at the City Building, at which place he may be found or communicated with during stated hours, to be fixed by him for the convenience of the public, unless special duty shall call him elsewhere.

§ 12. The Mayor and the four Commissioners shall constitute a Board of Commissioners. In this Board of Commissioners shall be vested all the legislative, executive and administrative power of the city, save as herein otherwise provided.

Board.

§ 13. Three members of the Board of Commissioners shall constitute a quorum, but the affirmative

Quorum.

vote of at least three members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract, or to the passage of any measure.

Upon each vote the yeas and nays shall be recorded and each motion, resolution and ordinance shall be reduced to writing and read before the vote is taken thereon.

The Mayor shall preside at meetings of the Board. He shall have no veto power. But each resolution, measure, or ordinance shall be signed by him, or by two commissioners, and recorded before it shall take effect.

**Mayor pro-tem
to be elected.**

The Board of Commissioners shall, at the beginning of its term of office elect, by a majority of all its members, one Commissioner to act as Mayor pro-tem; and the Commissioner so chosen shall be invested with all the powers and shall perform all the duties of the Mayor, in the event of his absence from the city, or his inability to attend to the duties of his office.

**Ordinances;
how passed.**

§ 14. Every ordinance or resolution ordering the construction or re-construction of any street or sewer, or making or authorizing any contract involving the expenditure of more than One Thousand (\$1,000.00) Dollars, or granting any franchise or the right to use or occupy the streets, highways, bridges or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage; and no such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in case of emergency, the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the Board of Commissioners.

§ 15. The Board of Commissioners shall meet at least once a week for the transaction of its business.

It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the Mayor or by two Commissioners. All meetings shall be public.

§ 16. The administrative functions of the city shall be classified under five departments, to-wit:

1. Department of Public Affairs;
2. Department of Public Finance;
3. Department of Public Safety;
4. Department of Public Works.
5. Department of Public Property.

Departments,

§ 17. The Board of Commissioners shall determine the functions of each department, and shall prescribe the duties of its Commissioner and of his employees. It may assign any employe to one or more departments, or require any employe to perform duties in two or more departments. It shall make all such rules and regulations as to the conduct of the various departments as may be necessary and proper for the efficient and economic conduct of the business of the city.

Rules.

§ 18. The mayor shall be the Commissioner of the Department of Public Affairs; and he shall have a general advisory supervision over the affairs of all the departments.

The Board of Commissioners shall at its first regular meeting designate by majority vote one Commissioner to have superintendence of the Department of Public Finance; one other Commissioner to have superintendence of the Department of Public Safety; one other Commissioner to have superintendence of the Department of Public Works; and one other Commissioner to have superintendence of the Department of Public Property.

Superintendents of Departments.

§ 19. The Board of Commissioners shall also at its first meeting, or as soon thereafter as may be practicable, appoint all such employes as may be necessary for the proper and efficient conduct of the affairs of the city.

All such employes shall be agents, not officers of

Employees;
how selected.

the city; and they shall perform such duties, and for such compensation as the Board of Commissioners may by ordinance prescribe. Each employe shall be selected with reference solely to his fitness, and for the good of the public service (without reference to his political faith or party affiliation) and the Board of Commissioners shall adopt such rules and regulations looking to the appointment and discharge of employes as will tend to carry out the spirit of this provision and lead to the establishment of the merit (system) in public service.

Statement to
be printed.

§ 20. The Board of Commissioners shall at the termination of each month of the fiscal year cause to be printed in the official newspaper an itemized statement of all receipts and expenses of the city during the month.

Books to be ex-
amined.

At the termination of each fiscal year the Board of Commissioners shall cause one or more competent accountants to make a complete examination of the books and accounts of the city, and shall cause the result of such examination to be published in the official newspaper and in pamphlet form, and a copy of the report in pamphlet form to be given to each voter who may apply for same at the proper office.

Vacancies.

§ 21. In case of the death, resignation or inability of the mayor, causing a permanent vacancy in said office, the mayor pro tem shall act as mayor and shall possess all the rights and powers and perform all the duties of the mayor and receive his salary, under the official title however, of mayor pro tem, until such vacancy in the office of mayor is filled by an election ordered by the Board of Commissioners for that purpose, at which time the mayor pro tem, if his term as Commissioner be then unexpired, shall resume his duties as such Commissioner.

In the event that any Commissioner shall for more than thirty days be necessarily absent from the city, or for the same period shall be unable from sickness or other cause to discharge the duties of his office, or in the event the mayor pro tem shall be filling

the office of mayor as contemplated in Section above for such period, the Board of Commissioners may fill such office temporarily by appointment, and said appointee shall discharge the duties of the Commissioner whose place may thus be temporarily filled until such Commissioner shall return or become fit for and resume his duties, and any such temporary appointee shall serve without compensation.

Office of Commissioner temporarily filled.

In the event of a permanent vacancy in the Board of Commissioners caused by the death, resignation, or inability of any member thereof, or in the event a permanent vacancy in the office of mayor shall be filled by the mayor pro tem, such vacancy shall be filled by appointment by the other members of the Board until the vacancy shall be filled by the election of a successor at the next regular election of municipal officers, as is prescribed by law, and such temporary appointee shall, for the time he serves as such, receive the salary of the Commissioner whose place he has been appointed to fill.

A vacancy shall exist when any elective officer fails to qualify within ten days after notice of his election, or dies (or resigns), or moves his domicile outside the city, or remains outside the city for a period of six months, or is convicted of felony, or is judicially declared insane, or is removed from office in any manner.

Vacancy; when deemed to exist.

§ 22. In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the mayor or any Commissioner may be removed from office by a unanimous vote of the other four members of the Board of Commissioners. But no such officer shall be so removed without having been given the right to have a full public hearing with representation by counsel, and with witnesses summoned in his behalf and required to testify. The findings of fact at any such hearing, and the reasons

Removal of officers.

for any such removal, shall be stated in writing and filed as matter of public record.

Ordinance may
be protested.

§ 23. If during the ten days next following the passage of any such ordinance as cannot within said ten days become effective, a petition signed by a number of voters equal to at least 25 per centum of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified as to signatures and residences by the affidavits of some one or more persons, shall be presented to the Board of Commissioners, protesting against the passage of such ordinance, such ordinance shall be suspended from going into effect, and shall be reconsidered by the Board of Commissioners. If such ordinance be not then repealed, the board shall submit to the voters of the whole city at either a special or a regular election according to law, the following question. "Shall the ordinance (briefly describing it), go into effect?" and if a majority of the votes cast upon such question be in the negative, the ordinance shall not go into effect. But if a majority of the votes cast upon such question be in the affirmative, the ordinance shall go into effect as soon as the result is officially ascertained and declared.

Ordinance
may be submit-
ted to voters.

§ 24. If a petition signed by a number of voters equal to at least twenty-five per centum of the total number of votes cast for both candidates for mayor at the last preceding regular election for mayor, stating the residence of each signer, and verified by affidavits of some one or more persons as to the signatures and residences, requesting the Board of Commissioners to pass an ordinance therein set forth—if such petition be presented to the Board of Commissioners, and if the ordinance therein requested to be passed be one that the Board has a legal right to pass, then the Board shall either pass such proposed ordinance without alteration, within ten days after such petition is filed, or submit the question of its passage to the voters of the city at

the next regular election. At such election the question submitted shall be: "Shall the proposed ordinance—(briefly describing it), be passed?" If the majority of the votes cast upon said question be in the affirmative, the proposed ordinance shall be thereby passed, and shall become effective, as soon as the result is officially ascertained and declared. And such ordinance shall not be amended or repealed, except by the voters at a regular biennial city election. Any number of proposed ordinances requested by petition as above provided for may be voted on at any election.

The Board of Commissioners may submit the question of the repeal or amendment of any such ordinance to the voters at any succeeding regular city election; and if a majority of the votes cast on such question be in favor of the repeal or amendment, such ordinance shall be thereby repealed, or amended, as the case may be.

Repeal or
Amendment of
ordinance may
be submitted.

§ 25. Whenever a question of passage of a proposed ordinance, or of the going into effect, or the repeal, or the amendment of an ordinance, is to be submitted to the voters at an election, the Board of Commissioners shall cause the proposed ordinance or ordinances, or the ordinance and amendment, as the case may be, to be printed once in the official newspaper of the city, and in such other newspapers as the Board of Commissioners may direct, before such election.

§ 26. The expenses of all primary elections under the provisions of this act shall be paid by the city.

City to pay
Election Expenses.

§ 27. The mayor and each Commissioner shall execute a bond to the city, upon which an action may be maintained by any person or persons, interested in the keeping of the covenants therein contained, in the penal sum of ten thousand dollars (\$10,000.00), conditioned upon the faithful performance of his official duties; such bonds to be approved by the County Judge, and filed as matters of public record.

Bond to be executed.

ACTS OF THE GENERAL ASSEMBLY

§ 28. Nothing herein shall be constrained to apply to the organization, existence, or conducting the affairs, of the Board of Education.

Government;
how terminated.

§ 29. Whenever the citizens of any city, which shall have been organized and governed under the provisions of this act for a period of not less than four years, shall desire that the organization and government of such city under the provisions of this act shall terminate and cease and said citizens shall file with the County Judge of the county in which is located such city, written petitions signed by a number of the legal voters of said city equal to thirty-three and one-third per centum of the votes cast in said city at the last preceding general election, it shall be the duty of the County Judge of said county to receive said petition and at the next regular term thereafter to make an order on his order book, directing an election to be held in said city at the next regular election and not earlier than sixty days after said application is lodged with the said judge, which order shall direct the sheriff or other officers of said county who may be appointed to hold said election, to open the polls at each and all the voting places in said city for the purpose of taking the sense of the qualified voters of said city upon the question as to whether or not the citizens of said city are in favor of the abandonment of the organization and government of said city under the provisions of this act. The question to be submitted to the voters, shall be—"Shall the city of

Question sub-
mitted.

_____ (naming said city) abandon its organization and government under the provisions of an act to amend an act entitled, 'An Act for the government of cities of the second class in the Commonwealth of Kentucky,' approved March 19, 1894, and thereafter in due course became a law and as same has since been amended, all of which said act and amendments now appear as article 3, chapter 89 of the Kentucky Statutes in John D. Carroll's edition thereof in 1909, adopted by the General As-

sembly of Kentucky at the 1910 session thereof." It shall be the duty of the county clerk to give to the sheriff of the county or to such other officer as may be appointed to hold said election, a certified copy of the order of the County Court as it appears on the order book, within five days after such order is made and it shall be the duty of said sheriff, or other such officer, to have such order published in some weekly or daily newspaper, published or circulated in said county, for at least two weeks before the election, and also to advertise the same by printed or written hand bills posted in conspicuous places in said city, for the same length of time. If there is no weekly or daily newspaper published in said city, or the proprietor of such paper refuses to publish said notice, the printed or written hand bills provided for shall be sufficient notice. The sheriff or other such officer shall have the advertisements and notices herein provided for, posted as herein required, within seven days after he receives the orders of the County Court. It shall be the duty of the canvassing Board to certify the result of said election to the County Court, which certificate shall be delivered to the clerk of the County Court, and a copy thereof delivered to the clerk of the city, and at the next regular term of said court the County Judge shall cause the same to be spread upon the order book of said court and the entry of said certificate on the order book, or copy thereof shall be prima facie evidence of the facts therein contained. When a majority of the votes cast shall be in favor of said proposition to submitted, and said facts shall be certified as hereinbefore provided, by the said canvassing board to the county clerk and a copy of which shall be certified to the city clerk and said copy of said certificate shall be spread upon the records of said county, as herein provided, and upon the records of said city at the next regular meeting of the city council, thereupon said city shall cease to be governed by the provisions of this

Publication of
Notices.

Procedure af-
ter vote taken.

act, but thereafter shall be governed by the provisions of Chapter 89 of said statutes, independent of the provisions of this act.

Approved March 21, 1910.

CHAPTER 51.

AN ACT to amend Section 3490, Subsection 22, of the Kentucky Statutes, relating to charters of cities of the Fourth Class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section Amend-
ed.

§ 1. That section three thousand four hundred and ninety, subsection 22, of the Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby amended by adding to said subsection the following: "Whenever property is needed for municipal purposes, and for the purposes mentioned in this section and an ordinance is enacted so declaring, the proper authorities of the city may, if compensation thereof can not be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes," so that said subsection when amended, shall read as follows:

Section as A-
mended.

"22. Workhouse, Poorhouse—Burial Ground—Public Library. To erect a workhouse, poorhouse, station house and house of correction, or all or either of them, and to provide for the maintenance, regulation and government thereof, and of the persons confined therein, and to provide, maintain and regulate a public burial ground; to establish, maintain and regulate a local library, and raise subscriptions, donations and gifts thereto.

Whenever property is needed for municipal pur-

poses, and for the purposes mentioned in this section, and an ordinance is enacted so declaring, the proper authorities of the city may, if compensation thereof can not be agreed upon, proceed to condemn the same in the manner provided for the condemnation of land for railroad purposes.

Property may
be condemned
for workhouse
etc.

§ 2. That all acts and parts of acts in conflict with this act be, and the same are hereby repealed.

Repeal.

§ 3. Because of the necessity in providing sufficient burial ground in some of the cities of the fourth class in this Commonwealth, an emergency is declared to exist, and this act shall take effect immediately upon its passage.

Emergency.

Approved March 22, 1910.

CHAPTER 52.

AN ACT to amend Sections 205 and 210 of an act providing for the creation and regulation of private corporations, which became a law April 5, 1893, being Chapter 171 of the session Acts of 1891-2-3, and being also Sections 786 and 793 Carroll's Edition of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 205 of an act providing for the creation and regulation of private corporations, which became a law on April 5, 1893, being Chapter 171 of the Session Acts of 1891-2-3 (being also Section 786 in Carroll's edition of the Kentucky Statutes) be and the same is hereby amended by adding thereto the following words:

"For failing to comply with this section or for violating or permitting any of its employes or agents to violate the provisions of this section the

Words added.

railroad company shall in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor and be fined for each failure or violation not less than \$10.00 nor more than \$50.00 to be recovered by prosecution in the name of the Commonwealth in any court of competent jurisdiction."

So that said entire section when amended shall read as follows:

Section as A-
mended.

"Every company shall provide each locomotive engine passing upon its road, with a bell of ordinary size, and steam whistle, and such bell shall be rung, or whistle sounded, outside of incorporated cities and towns, at a distance of at least fifty rods from the place where the road crosses upon the same level any highway or crossing at which a sign-board is required to be maintained, and such bell shall be rung or whistle sounded continuously or alternately until the engine has reached such highway crossing, and shall give such signals in cities and towns as the legislative authorities thereof may require. For failing to comply with this section or for violating or permitting any of its employes or agents to violate the provisions of this section the railroad company shall, in addition to subjecting itself to any damages that may be caused by such failure or violation be guilty of a misdemeanor and be fined for each failure or violation not less than \$10.00 nor more than \$50.00 to be recovered by prosecution in the name of the Commonwealth in any court of competent jurisdiction."

Penalty.

Section 210 a-
mended by strik-
ing out penalty.

§ 2. That Section 210 of said act providing for the creation and regulation of private corporations, which became a law on April 5, 1893, being Chapter 171 of the Session Acts of 1891-2-3 (which said section is also Section 793 of Carroll's edition of the Kentucky Statutes) be and the same is hereby amended by striking therefrom the words "two hundred and five" as they appear in Chapter 171 of the Session Acts of 1891-2-3, and in striking from

said section 793 of Carroll's edition of the Kentucky Statutes the figures "786" as they occur in said section, the penalty for the violation of said section 205 or Section 786 Kentucky Statutes being hereby changed and being provided for by the first section of this act.

Limitation.

§ 3. Prosecutions under this act shall not be commenced after the lapse of six months from the commission of the offense charged in the prosecution.

Approved March 22, 1910.

CHAPTER 53.

AN ACT relating to public improvements in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3105 of Kentucky Statutes relating to the construction of sewers in cities of the second class be, and the same is hereby, amended and re-enacted so as to read as follows:

Section 3105. The general council shall have power to construct sewers along or under any of the streets, alleys or highways of the city, and may assess the entire cost thereof, including intersections, upon the lots and lands in the neighborhood of said sewers which may be benefitted thereby, according to the benefits received, and may levy a special local tax on such lots and lands for the cost of such improvements so assessed thereon, which tax shall be due and payable at the office of the city treasurer upon completion of the work and acceptance thereof by the general council, and no property shall be exempt from such improvement tax. In every case the general council shall, by ordinance or resolution, fix and

Tax for improvements;
how levied.

Property benefitted to be taxed.

determine what lots and lands are benefitted thereby, and fix and determine the amount of tax to be levied upon the several lots or lands so benefitted: Provided, that where the cost of a sewer does not exceed the sum of one dollar per abutting foot of the property bounding or abutting upon the streets, alleys or highways in, under or along which such sewer may be constructed, then such bounding or abutting property shall be deemed the property benefitted thereby, and said cost shall be apportioned and assessed equally on such abutting lots or lands according to the feet abutting. No ordinance for the construction of a sewer at the cost of the abutting or benefited property owners shall be passed until a resolution declaring such construction a necessity and setting out in general terms the property subject to the payment of the cost of same, shall have passed by a two-thirds vote of the members elect of each Board of general council, and its determination as to the necessity of any such sewer shall be final. All property benefitted by such improvement belonging to the city shall be considered and assessed as the property of individuals and the assessment thereon shall be paid by the city out of the general fund of the city. The tax provided for herein shall be a lien upon such abutting or benefitted property, as the case may be, from the time of the publication of the ordinance levying such tax, and the same shall bear six per cent per annum interest from such time until paid, and if not paid within thirty days shall have added thereto a penalty of ten per cent of the tax. Provided, there shall be no interest charged on any tax paid within such thirty days. The lien herein provided for shall take precedence over all other liens, whether created prior or subsequent thereto, except State, county and municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale or by any mortgage or by any error or mistake in the description of the property or in the name of the owners thereof. Nor shall

Tax to be a lien on property.

any error in the proceedings of the general council exempt any property from the lien for, or payment of, such taxes after the work has been done and accepted as provided in this section; but the general council, or the courts in which suits are pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement. Such liens may be enforced, as other liens on real estate, by action brought in the name of the city of the contractor entitled thereto, and, in any such action, an allegation in substance that the improvement had been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be a sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full. (a) The city auditor shall keep in the office, in a book to be provided for that purpose, a record of all assessments of local taxes as provided in this act showing the name and portion of the street on which the improvement is made, the character of the improvements and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien of such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to the contractor, or other person entitled thereto, upon order of the general council. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessments of one im-

Interest and
penalty.

Duty of Audi-
tor.

Tax; how collected.

provement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, as hereinafter provided for such improvement. (b) Except as otherwise provided herein, when any such sewer shall have been constructed and the contract therefor completed, the same shall be accepted and the cost thereof apportioned to and assessed upon the abutting and benefitted lots and lands, and a local tax levied thereon in all respects in the manner and of the same effect as provided in Sections 3099 and 3100 of the Kentucky Statutes with reference to the acceptance of street improvements, the apportionment of that part of the cost thereof payable by the abutting property owners and the levy of the tax therefor. Such taxes may be collected and the lien therefor enforced in all respects as provided in said Section 3100. (c) The general council may provide for such construction of sewers on the ten year or other annual payment plan and may issue and sell bonds in anticipation of the collection of the special local taxes levied therefor in all respects in the manner and of the same effect as provided in Sections 3101 and 3102 of the Kentucky Statutes relating to the improvement of streets on the ten year plan and issuing bonds to provide funds for the payment therefor. (d) The general council may provide for the construction of sewers out of the general fund of the city.

Sewers may be constructed on ten year plan.

Emergency.

§ 2. Whereas, cities of the second class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed improvements in the construction of sewers, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.

Approved March 22, 1910.

CHAPTER 54.

AN ACT to amend Subsection 1 of Section 3704, Chapter 89, of the Kentucky Statutes, compiled by Hon. John D. Carroll as same appears in edition of 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 1 of Section 3704, Chapter 89, of Kentucky Statutes, as same appears in the 1909 edition, compiled by Hon. John D. Carroll, be, and the same is amended, by striking out the last two words in said subsection, to wit, "one year," and inserting in lieu thereof "five years," so that said subsection as amended, will read as follows:

The Board of Trustees of such town shall have power to pass ordinances not in conflict with the Constitution or laws of the Commonwealth or of the United States, and to impose and collect license fees and taxes on stock used for breeding purposes and all franchises, trades, occupations and professions, and also to contract for supplying the town with water and light. To purchase, lease or receive such real estate and personal property as may be necessary and proper for municipal purposes and control, dispose of and convey the same for the benefit of the said town: Provided, that they shall not have the power to sell or convey any portion of any water front, but may rent such water front for a term of not exceeding twenty years except the wharf privileges which shall not be leased or rented for more than five years.

Wharf privileges may be rented for 5 years.

§ 2. This act shall take effect ninety days after the adjournment of this session of the General Assembly.

Approved March 22, 1910.

CHAPTER 55.

AN ACT to regulate the time of holding the terms of the Circuit Courts in the Twentieth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding the terms of Circuit Court in the Twentieth Judicial District, shall be as follows:

Lewis County, at Vanceburg, on the second Monday in January, first Monday in May and the first Monday in November, and continue each for twelve juridical days.

Greenup County, at Greenup, on the second Monday in February, fourth Monday in May and fourth Monday in November and continue each for twelve juridical days.

Boyd County, at Catlettsburg, on the first Monday in March, second Monday in June and first Monday in October, and continue each for twenty-four juridical days.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 22, 1910.

CHAPTER 56.

AN ACT to amend Article 2 of Chapter 6 of Title 6 of the Code of Practice in Criminal Cases relating to the Time of Trial.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 185 of the Code of Practice in Criminal Cases be amended by inserting therein after the word "found" and before the word "the" in the second line thereof the words "or be summoned or arrested three days before the time fixed for the trial," so that said section when amended will read as follows: If the defendant be in custody, or on bail, when the indictment is found, or be summoned or arrested three days before the time fixed for the trial, the trial may take place at the same term of the court, at a time to be fixed by the court.

Criminal Code
Sec. 185.

§ 2. That Section 187 of the Code of Practice in Criminal Cases be amended by striking therefrom the words, "commencement of the term," and by inserting therein after the word "summoned" and before the word "three" the words, "or arrested," and by inserting therein, in lieu of the words, "commencement of the term," the words, "day fixed for the trial," so that said section when amended will read as follows: All prosecutions shall stand for trial on the day to which they are docketed, if the defendant be in custody, or on bail or have been summoned or arrested three days before the day fixed for the trial.

Criminal Code
Sec. 187.

Approved March 22, 1910.

CHAPTER 57.

AN ACT to amend and re-enact Section 3681, Kentucky Statutes, Carroll's Edition 1909, and enact Subsection 3681a, providing for the appointment or election of town marshals in sixth class towns.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3681, Kentucky Statutes, Carroll's Edition 1909, be amended by striking out the words "and marshal" wherever same appears and re-enact said section and enact subsection 3681a so that same will read when amended, re-enacted and enacted as follows:

§ 3681. The members of the Board of Trustees and Police Judge shall be elected by the qualified voters of each town, the first election to be held therein on Tuesday, after the first Monday in November in one thousand eight hundred and ninety-three; and thereafter as the terms of the respective officers expire, and at general election for county and State officers held in November preceding the expiration of their terms; the Police Judge shall hold office four years, and the members of the Board of Trustees two years, from the first Monday in January following their election: Provided, that the terms of Police Judge, elected at the November election, one thousand eight hundred and ninety-three, to succeed Police Judges who were elected for four years at the August election, one thousand eight hundred and ninety, shall begin on the first day of September, one thousand eight hundred and ninety-four, and continue until the November election, one thousand eight hundred and ninety-seven; and until their successors are elected and qualified.

§ 3681a. The Board of Trustees shall have power to appoint a town marshal, or he shall be elected by the voters of the town as may be prescribed by ordinance, enacted not less than sixty days previous to any November election, who shall hold his office for a term not longer than two years, or until his successor is appointed or elected and qualified subject to the power or removal for good cause at any time by the Board of Trustees.

Town Marshal
may be appointed
or elected.

§ 2. All laws or parts of laws in conflict with this act are hereby repealed.

Repeal.

Approved March 22, 1910.

CHAPTER 58.

AN ACT defining the crime of abortion and prescribing a penalty therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person to prescribe or administer to any pregnant woman, or to any woman whom he has reason to believe pregnant, at any time during the period of gestation, any drug, medicine or substance, whatsoever, with the intent thereby to procure the miscarriage of such woman, or with like intent, to use any instrument or means whatsoever, unless such miscarriage is necessary to preserve her life; and any person so offending, shall be punished by a fine of not less than five hundred nor more than one thousand dollars, and imprisoned in the State prison for not less than one nor more than ten years.

Abortion; Pen-
alty.

§ 2. If by reason of any of the acts described in Section 1 hereof, the miscarriage of such woman is procured, and she does miscarry, causing the

Penalty for
causing death
of child.

death of the unborn child, whether before or after quickening time, the person so offending shall be guilty of a felony, and confined in the penitentiary for not less than two, nor more than twenty-one years.

Penalty in
case of death.

§ 3. If, by reason of the commission of any of the acts described in Section 1 hereof, the woman to whom such drug or substance has been administered, or upon whom such instrument has been used, shall die, the person offending shall be punished as now prescribed by law, for the offense of murder or manslaughter, as the facts may justify.

Women not
considered ac-
complice.

§ 4. The consent of the woman to the performance of the operation or the administering of the medicines or substances, referred to, shall be no defense, and she shall be a competent witness in any prosecution under this act, and for that purpose she shall not be considered an accomplice.

§ 5. This act shall take effect from and after its passage.

Approved March 22, 1910.

CHAPTER 59.

AN ACT to amend an act amending Section 965, of the Kentucky Statutes, relating to the time of holding Circuit Courts in the Eighth Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment, approved March 17, 1896, which act amended Chapter, 35, Section 965, of the Kentucky Statutes, relating to the time of holding Circuit Courts in the Eighth Judicial District of Kentucky, be, and the same is hereby amended, so that Section 965, of Chapter 35, of the Kentucky Statutes, relating to the time of holding courts in the Eighth Judicial District, shall read as follows:

“Eighth District,

“In Allen county, at Scottsville, on the first Monday in February, twelve juridical days; on the first Monday in May, twelve juridical days, and on the third Monday in September, twelve juridical days.

“In Butler county, at Morgantown, on the third Monday in February, twelve juridical days; on the third Monday in May, twelve juridical days, and on the first Monday in October, twelve juridical days.

“In Edmonson county, at Brownsville, on the third Monday in March, twelve juridical days; on the third Monday in June, twelve juridical days, and on the third Monday in November, twelve juridical days.

“In Warren county, at Bowling Green, on the first Monday in January, twenty-four juridical days; on the first Monday in March, twelve juridical days; on the first Monday in April, twenty-four juridical days; on the first Monday in June, twelve juridical days; on the first Monday in September, twelve juridical days; on the third Monday in October, twenty-four juridical days.”

§ 2. All laws or parts of laws, inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect on and after July 1, 1910.

Approved March 22, 1910.

CHAPTER 60.

AN ACT to Prevent the Spread of Communicable Diseases Among Domestic Animals in the State of Kentucky and to Provide Greater Protection to the Live Stock Industry of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Owner of diseased stock to report.

§ 1. That it shall be the duty of the owner or person in charge of any domestic animal or animals, who discovers, suspects, or has reason to believe that such animal or animals as aforesaid are affected with any communicable disease, to immediately report the fact, belief or suspicion to the County Live Stock Inspector of the county in which the said domestic animal or animals are found.

Board to co-operate with Government of U. S.

§ 2. Be it further enacted, That it shall be the duty of the Live Stock Sanitary Board to co-operate with the officials of the Federal Government and with officials of other States in establishing interstate quarantine lines and in enforcing such rules and regulations as shall best protect the live stock industry in the State.

Duties of County Live Stock Inspector.

§ 3. Be it further enacted, That the County Live Stock Inspector of each county, whenever any case or cases of communicable disease of any domestic animal of his county are reported to exist, shall immediately cause the same to be investigated, and, should such investigation show a reasonable probability that such animal or animals are affected with a communicable disease, the said County Live Stock Inspector shall immediately establish such temporary quarantine as may be necessary, in his judgment, to prevent the spread of disease, and shall, without delay report all action taken to the

State Live Stock Sanitary Board, and the acts of the County Live Stock Inspector establishing said temporary quarantine shall have the same force and effect as though established by the State Live Stock Sanitary Board, until such time as they shall take charge of the case or cases, and the County Live Stock Inspector of every county in the State shall adopt and enforce such rules and regulations as said State Live Stock Sanitary Board may prescribe, having for their object the prevention and restriction of any communicable disease among domestic animals which may be either threatened or developed in such localities; and all expense incurred by County Live Stock Inspector in carrying out this act shall be a county charge, and shall be paid in like manner as other expenses of the county are.

§ 4. Be it further enacted, That any person who shall have in his or her possession any domestic animal affected with any communicable disease, knowing such animal to be affected, who shall permit such animal or animals to run at large, or who shall keep such animal or animals where the domestic animals not affected by or previously exposed to such communicable disease may be exposed to its contagion or infection; or who shall ship, drive, sell, traffic or give away such animal or animals which have been exposed to such contagion or infection; or who shall move or drive any domestic animal in violation of any direction, rule, regulation or order of the State Live Stock Sanitary Board or County Live Stock Inspector establishing and regulating live stock quarantine, or the restriction or spread of communicable diseases among domestic animals, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not less than Twenty-five (\$25) Dollars nor more than One Hundred (\$100) Dollars for each of such exposed or diseased domestic animals which he or she shall permit to run at large, or sell, ship, drive, trade or give away, in violation of the provisions of

Penalties for
violation.

this act: Provided, that any owner of domestic animals which have been affected with or exposed to any communicable disease may dispose of the same after having obtained from the said State Live Stock Sanitary Board or County Live Stock Inspector a certificate of health for such animals.

Animals in transit.

§ 5. Be it further enacted, That the State Live Stock Sanitary Board shall have the general supervision of all communicable diseases among domestic animals within or that may be in transit through the State, and they are hereby empowered to establish quarantine against any animal or animals thus diseased whether within or without the State, and may make such rules and regulations against the spread of and for the suppression of said disease or diseases as in their judgment may seem necessary and proper; and in the enforcement of such rules and regulations they shall have the power to call on any one or more of the peace officers whose duty it shall be to give all assistance in their power.

Penalty for obstructing board.

§ 6. Be it further enacted, That any person who wilfully hinders, obstructs or otherwise disregards or evades such quarantine as they may declare, or violates any rule or regulation they shall make in attempting to stamp out or restrict the spread of any disease or diseases aforementioned, or who shall resist any peace officer acting under them or either of them shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten (\$10) Dollars nor more than Fifty (\$50) Dollars.

Penalty for failure to notify Inspector of disease.

§ 7. Be it further enacted, That in the event of any communicable disease aforesaid breaking out, or being reasonably suspected to exist in any locality in this State it shall be the duty of the local authorities or person owning or having any interest whatever in said animals, immediately to notify the County Live Stock Inspector of the fact, when he shall institute such measures for the restriction or stamping out of such disease or diseases as he may think necessary. Any person or persons specified,

who shall neglect or refuse to notify said County Live Stock Inspector of the existence of any communicable disease shall be deemed guilty of a misdemeanor and upon conviction be fined not less than Five (\$5) Dollars nor more than Twenty-five (\$25) Dollars.

§ 8. Be it further enacted, That whenever in the opinion of the State Live Stock Sanitary Board the public safety demands the destruction of any animal or animals, under the provisions of this act, they shall, before ordering the killing or slaughtering of same, appoint three disinterested freeholders, who shall be sworn before proceeding to act, and they shall make a just and true valuation of said animal or animals to be killed or slaughtered, and in valuing shall consider the health and condition of the animal or animals when killed, and disease proven, and they shall make and deliver a written certificate setting forth all the essential facts in the case to the lawful owner, who shall present the same to the County Judge of the County in which such animal or animals are so killed or slaughtered and the same shall constitute a county charge to be paid as other claims of the county are.

Animals may
be killed; pro-
cedure.

§ 9. Be it further enacted, That any person or persons who knowingly shall import or bring into this State any animal or animals affected with Pleuro-Pneumonia, Rinderpest, Glanders, Scabies, Footrot, Lip and Leg or any other communicable disease, or who shall sell or trade any animal or animals so diseased, shall be guilty of a misdemeanor and upon conviction shall be fined in any amount not less than Twenty-five (\$25) Dollars nor more than One Hundred (\$100) Dollars.

Penalty for im-
porting diseased
Animals.

§ 10. Be it further enacted, That the Governor of this State, with the Live Stock Sanitary Board may co-operate with the Government of the United States for carrying out the purposes of this act, and the said Live Stock Sanitary Board may appoint in writing any inspector or employee of the United

Governor to
Co-operate with
other States and
U. S.

States Department of Agriculture as State Inspector of Live Stock in enforcing the provisions of this act, in any county of State, when in their judgment it may be proper and necessary, who shall have and may exercise the powers of County Live Stock Inspector, and shall be authorized and empowered to enter premises to inspect live stock and to enforce the quarantine of counties, districts, farms and town lots, and to control the movement of live stock therefrom; and all such inspectors of live stock and the County Live Stock Inspectors are hereby authorized and empowered to quarantine and enforce such disinfection of animals and premises as may be deemed necessary. But no inspector or employee of the United States Department of Agriculture shall be paid for their services by the State of Kentucky or any county of this State. And the Governor of this State is hereby authorized to receive and receipt for any moneys receivable by this State under any act of Congress, which may at any time be in force upon this subject, and to pay the same into the State Treasury, to be used according to an act of Congress and the provisions of this act as nearly as possible.

Provisions of
Act how carried
out.

§ 11. Be it further enacted, That to carry out the provisions of this act there is hereby constituted a State Live Stock Sanitary Board which shall consist of three members of the State Board of Agriculture, Forestry and Immigration, to be chosen therefrom by the members of said Board of Agriculture, Forestry and Immigration, the Commissioner of Agriculture, Forestry and Immigration and the head of the Division of Animal Husbandry Kentucky Agricultural Experiment Station, are to be ex-officio members of the Board. The members selected from the Board of Agriculture, Forestry and Immigration shall hold office for the term of three years, except the member selected who shall have the shortest term to serve on the Board of Agriculture, Forestry and Immigration shall serve for one year and the next member chosen who shall have the next shortest

term to serve on the Board of Agriculture shall serve two years and the third member selected shall serve three years. They shall serve without salary, but shall be paid \$3.00 per day, and all necessary expenses when actually engaged in the discharge of duty. There shall also be a County Live Stock Inspector appointed in each county of the State, the said appointment to be made by the county judge of each county in the State and he shall be paid by the Fiscal Court of the county for which he is appointed. The fiscal court of each county is to fix the amount paid to its County Live Stock Inspector.

\$3.00 per day
pay disapproved.

§ 12. Be it further enacted, That all laws and parts of laws inconsistent with or repugnant to this act in this State are hereby repealed, except the laws as to those communicable diseases in domestic animals which are also dangerous and likely to be communicated to human beings; and provided, that the provisions of this act shall not apply to the diseases of hogs.

Repealing
Clause.

Approved March 22, 1910, except that "so much of this bill as provides for the payment of \$3.00 a day to the Commissioner of Agriculture, Forestry and Immigration, and to the head of the Division of Animal Husbandry, Kentucky Agricultural Experiment Station, is disapproved."

CHAPTER 61.

AN ACT to amend Section 1730, Kentucky Statutes, so as to increase the fees of Jailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Words stricken and inserted.

§ 1. That Section 1730, Chapter 47, Kentucky Statutes, be and the same is hereby amended, to-wit: By striking therefrom after the words "contempt of Court" in the fourth sub-section of said Section 1730, the words "fifty cents per day," and by inserting in lieu of said words so stricken the following words: "seventy-five cents per day," so that said section when so amended shall read as follows:

"§ 1730. The fees of the jailers shall be as follows:

(See further, Sec. 356).

For attending county and quarterly courts, to be paid out of the county levy, per day, not exceeding
----- \$2.00.

Section as Amended.

For furnishing fuel and lights to county and quarterly courts, a reasonable compensation, not exceeding two dollars per day, to be paid out of the county levy.

For putting a prisoner in irons, for an offense other than felony or contempt, besides the cost of irons, to be paid out of the county levy, 50 cents.

For keeping and dieting prisoners in jail, when confined for an offense other than a felony or contempt of court, 75 cents per day, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for the violation of a statute, where the city or town gets

the benefit of the fine; in that case to be paid by such city or town.

For imprisoning and releasing a prisoner charged with a misdemeanor, sixty cents, to be paid out of the county levy, unless confined for a breach of the by-laws or ordinances of a city or town, or for a violation of statute, where the city or town gets the benefit of the fine; in that case, to be paid by such city or town. And for imprisoning and releasing a prisoner charged with a felony, sixty cents, to be paid out of the State Treasury. For all other services performed by him, the same fees as sheriffs.

Approved March 22, 1910.

CHAPTER 62.

AN ACT to amend an Act regulating the terms of Court of the Twelfth Judicial District of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amendment approved March 21, 1906, amending Section 965 Kentucky Statutes in so far as it relates to the Twelfth Circuit Court district be amended as follows: So that Section 965 when amended shall read as follows: Trimble County at Bedford, on the first Monday in January, six juridical days, Henry County at New Castle, second Monday in January, twelve juridical days, Shelby County, at Shelbyville, fourth Monday in January, eighteen juridical days, Oldham County, at La-Grange, third Monday in February, twelve juridical days, Anderson County at Lawrenceburg, first Monday in March, twelve juridical days, Spencer County at Taylorsville, third Monday in March, twelve jurid-

12th Judicial
District; Time
of Court.

ical days, Trimble County, at Bedford, first Monday in April, twelve juridical days, Henry County, at New Castle, third Monday in April, twelve juridical days, Shelby County, at Shelbyville, first Monday in May, eighteen juridical days, Oldham County, at LaGrange, fourth Monday in May, twelve juridical days, Spencer County, at Taylorsville, second Monday in June, six juridical days, Anderson County, at Lawrenceburg, third Monday in June, twelve juridical days, Trimble County, at Bedford, first Monday in September, six juridical days, Henry County, at New Castle, second Monday in September, twelve juridical days, Shelby County, at Shelbyville, fourth Monday in September, eighteen juridical days, Oldham County, at LaGrange, third Monday in October, six juridical days, Spencer County, at Taylorsville, fourth Monday in October, twelve juridical days, Anderson County, at Lawrenceburg, second Monday in November, twelve juridical days.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 22, 1910.

CHAPTER 63.

AN ACT to amend and re-enact Section 4338 of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Words inserted.

§ 1. That Section 4338 of the Kentucky Statutes be, and the same is hereby, amended by inserting the words, "or County Treasurer, if there be one" in the second line of said act, immediately after the word "County," so that said section when amended will read as follows, to-wit:

§ 4338. TAX COLLECTOR—Payment of road funds by.—That the tax collector of each county, or County Treasurer, if there be one, shall pay out the road and bridge funds in discharge of the liabilities of the county for work on roads and bridges (including pay of contractors, hire of hands and teams, cost of implements and material, and provender for teams, pay of overseers, and all necessary expenses in and about keeping the roads in good order, and building and repairing bridges, etc.), but in no case shall he pay out any of said money except upon the order of the supervisor (specifying what for), with the indorsement thereon of the County Judge of his approval, or when no supervisor, upon order of the overseer or commissioner having charge so indorsed. The collector shall have blank forms of such orders printed in duplicate and numbered, and he shall retain a duplicate of each order given by him, and the number thereof, which he shall exhibit and return to the levy court when required by order of said court.

Section as
Amended.

Approved March 22, 1910.

CHAPTER 64.

AN ACT to amend and re-enact Section 2463 Kentucky Statutes entitled, "Mechanics and Material-men," which became a law February 25, 1903 (1893).

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2463, of Carroll Kentucky Statutes be, and the same is hereby amended and re-enacted by adding to said section, the following to be inserted after the word "provided" and before the words "that such lien shall not take precedence,"

Words inserted.

etc.: "That no person shall acquire a lien under this section, unless he shall notify, in writing, the owner of the property to be held liable, or his authorized agent, immediately after the last item of said material or labor is furnished, of his intention to hold the said property liable, and the amount for which he will claim a lien," and adding thereto a new paragraph, so that said section, when amended will read as follows:

Lien; how obtained.

"A person who performs labor or furnishes material in the erection, altering or repairing a house, building or other structure, or for any fixture or machinery therein, or for the excavation of cellars, cisterns, vaults, wells, or for the improvement, in any manner, of said real estate by contract with, or by the written consent of the owner, contractor, sub-contractor, architect, or authorized agent, shall have a lien thereon, and upon the land upon which the said improvements shall have been made, or any interest such owner has in the same, to secure the amount thereof, with cost; and said lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor, or the furnishing of the material; and said lien, if asserted, as herein provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials; provided, that no person shall acquire a lien under this section unless he shall notify in writing, the owner of the property to be held liable or his authorized agent, immediately after the last item of said material or labor is furnished, of his intention to hold the said property liable, and the amount for which he will claim a lien; and provided, that such lien shall not take precedence of a mortgage or other contract, lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming such prior lien shall before the recording of such mortgage or other contract, lien or conveyance,

Notice to be filed.

have filed in the clerk's office of the county court of the county wherein he shall have performed labor or furnished materials, or shall expect to perform labor or furnish materials, as aforesaid, a statement showing that he has performed or furnished, or that he expects to furnish such labor or materials, and the amount in full thereof, and his lien shall not as against the holder of said mortgage, or other contract, lien, or conveyance, exceed the amount of the lien claimed or expected to be claimed as set forth in such statement. The statement aforesaid shall in other respects be in the form of the tenor prescribed by Section 2468. The liens provided for herein shall in no case be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of liens exceed the price agreed upon between the original contractor and the owner, then there shall be a pro rata distribution of the original contract price among said lien holders.

Statement.

§ 2. It shall be sufficient proof of the notice required herein that such notice was mailed to the last known address of the owner of the property upon which a lien is claimed, or to his duly authorized agent within the county within which the property to be held liable is located.

Proof of notice.

Approved March 22, 1910.

CHAPTER 65.

AN ACT changing and fixing the time for holding courts in the Thirty-second Judicial district of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time for holding courts in the Thirty-second judicial district of Kentucky shall be as follows:

32nd Judicial
District; Courts.

Lawrence county, at Louisa, on first Monday in January, second Monday in April and fourth Monday in August, each term to continue twenty-four juridical days.

Elliott county, at Martinsburg, first Monday in February, second Monday in May and fourth Monday in September, each term to continue twelve juridical days.

Carter county, at Grayson, third Monday in February, fourth Monday in May and second Monday in October, each term to continue twenty-four juridical days.

Morgan county, at West Liberty, third Monday in March, fourth Monday in June and third Monday in November, each term to continue eighteen juridical days.

§ 2. All laws in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force on and after the first day in August, 1910.

Approved March 22, 1910.

CHAPTER 66.

AN ACT to amend Section 965 of the Kentucky Statutes, which relates to the time of holding Circuit Courts in the First Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965 of the Kentucky Statutes, relating to the time of holding Circuit Court, in the First Judicial District, be amended, so that the part of said section relating to the time and place of holding Circuit Court in said First Judicial District, when amended, shall read as follows: First District—Fulton County at Hickman, or Fulton as provided by law, and as the business in court may re-

quire, on the third Monday in January, twelve juridical days; first Monday in May, twelve juridical days; third Monday in September, eighteen juridical days. Hickman County, at Clinton, on the first Monday in February, twelve juridical days; third Monday in May, twelve juridical days; second Monday in October, eighteen juridical days. Carlisle County, at Bardwell, on the third Monday in February, twelve juridical days; first Monday in June, twelve juridical days; first Monday in November, twelve juridical days. Ballard County, at Wickliffe, on the first Monday in January, twelve juridical days; third Monday in April, twelve juridical days; fourth Monday in August, eighteen juridical days. Graves County, at Mayfield, on the first Monday in March, thirty-six juridical days; third Monday in June, eighteen juridical days; third Monday in November, thirty-six juridical days.

§ 2. That no inconvenience may arise in the holding of courts in said district, this act shall take effect and be in force from and after July 10, 1910.

Approved March 22, 1910.

CHAPTER 67.

AN ACT to amend Section 13, Chapter 221, Acts of 1891, 1892 and 1893, entitled, "An act relating to courts of Justice," approved June 10, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 13, of Chapter 221, Acts 1891, 1892 and 1893, entitled "An act relating to courts of justice," approved June 10, 1893, be stricken out and the following inserted in lieu thereof:

§ 13. The Judges may appoint a sergeant-at-arms, tipstaff and janitor, who shall each hold office

Salary of
Sergeant at
Arms in Court of
Appeals in-
creased.

during the pleasure of the court, and perform such duties as the court may require. The sergeant-at-arms shall receive five dollars per day, and the tip-staff and janitor three dollars per day each for their services, payable monthly.

Approved March 22, 1910.

CHAPTER 68.

AN ACT to amend Section 1896 of the Kentucky Statutes, relating to the destruction of fish by guns loaded with steel balls and copper jackets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1896 of the Kentucky Statutes, relating to dynamiting fish, be, and it is hereby, amended so as to read as follows, to wit:

“§ 1896. Dynamite or explosive agent—penalty for using.—That and person or persons who shall place or cause to be placed in any of the waters of this State or shall aid or assist in so doing, any dynamite or explosive agent, or who shall shoot into any of the waters of this State with a gun or pistol loaded with steel balls, copper jacket, or other hard substance other than an ordinary leaden ball, with intent thereby to kill, injure, or catch fish, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense; and, on failure to pay a fine as fixed by either Section 1894, 1895 or 1896, shall be confined in the county jail, workhouse or placed at labor upon any of the public works of said county for a length of time not exceeding one day of every two dollars of said fine.”

Penalty for
dynamiting and
shooting fish.

Approved March 22, 1910.

CHAPTER 69.

AN ACT to Readjust and Fix the Salaries of Assistant Inspectors of Mines.

Whereas, the salary of twelve hundred dollars per annum now paid Assistant Inspectors of Mines is not commensurate with the grave responsibilities resting upon such Assistant Inspectors, nor with the hazardous nature of their duties, nor with the high character and expert attainments that should be possessed by those who may hold such positions; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That each Assistant Inspector of Mines shall receive an annual salary of Fifteen Hundred Dollars (\$1,500), payable monthly, and shall likewise be allowed and paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Salary of Assistant Mine Inspector.

§ 2. This act shall take effect in accordance with the law.

Approved March 22, 1910.

CHAPTER 70.

AN ACT to legalize Slave Marriages and the issue of same in this State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all negroes and mulattoes who lived and cohabited together as man and wife prior to February 14, 1866, and who so continued to live and cohabit since that time up to the death of either or both of them, and all who are now so living

Slave marriage made legitimate.

and cohabiting together, who so lived and cohabited prior to February 14, 1866, shall be taken and held in law as legally married, and their issue held as legitimate for all purposes.

§ 2. The customary marriages and the issue of same of negroes and mulattoes prior to February 14, 1866, shall be held legitimate.

Approved March 22, 1910.

CHAPTER 71.

AN ACT to amend that part of an Act entitled "An Act for the Government of Cities of the First Class, approved July First, Eighteen Hundred and Ninety-Three" which relates to Revenue and Taxation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 212, 213, 214, 215, 216, 217, 218, and 219, of an Act entitled "An Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-three, being Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004, and 3005, of the Kentucky Statutes of 1903, be, and the same are hereby repealed.

Ky. Stats. Sec.
3005 Repealed.

§ 2. That an Act entitled "An Act to Amend Section Two Hundred and Nineteen of an Act entitled "An Act for the Government of Cities of the First Class," approved July First, One Thousand Eight Hundred and Ninety-Three, approved May Twenty-Sixth, One Thousand Eight Hundred and Ninety-Seven," being Section 3005 of the Kentucky Statutes of 1903, be, and the same is hereby repealed.

Ky. Stats. Sec.
2998 Repealed.

§ 3. That Section 4 of an Act entitled "An Act to amend an Act entitled 'An Act for the Government of Cities of the First Class,' approved July First, Eighteen Hundred and Ninety-Three," ap-

proved March Twenty-First, Nineteen Hundred and Six," being Section 2998 of the Kentucky Statutes of 1903, be, and the same is hereby repealed.

§ 4. That in lieu of the provisions of law repealed by Sections One, Two, and Three of this Act, the following provisions be enacted: and the same shall be inserted in the "Act for the Government of Cities of the First Class," approved July First, Eighteen Hundred and Ninety-Three, and shall be part of said act, and be Sections 2998, 2999, 3000, 3001, 3002, 3003, 3004, and 3005, of Kentucky Statutes.

"§ 2998. Within a reasonable time after the tax bills for the year have been listed with the Tax Receiver, he shall, by himself, deputy, or employes, mail to every person against whom any tax bill has been listed, to the Guardians and Committees of infants and lunatics, and to the Agents of absent property owners, whose address is unknown to him, a postpaid notice, directed to the best of his knowledge, giving a brief description of the property taxed, stating the number and amount of the bill, or bills, listed against the tax payer addressed, the date of their maturity, and the penalties imposed for non-payment; but the failure of the Tax Receiver to send such notice, or of the tax payer to receive it, shall not invalidate the tax, nor the interest, or penalties provided by this act, nor any subsequent proceeding for the collection of either.

Tax Receiver
to mail notices.

All of the tax bills uncollected, in whole or in part, on the First day of May, succeeding the day on which they were listed with the Tax Receiver for collection, shall be due, and thereafter shall bear interest at the rate of one-half ($\frac{1}{2}$) of one per cent (1%) for every month, or fraction of a month, from said First day of May, until paid, or until the property of the delinquent has been sold for the tax, as hereinafter provided. Upon the First day of July, succeeding the day on which the tax bills were listed with the Tax Receiver for collection,

Interest to be
added.

Penalty to be added.

there shall be added to all tax bills then unpaid, a penalty of ten per cent (10%) on the face of the bill, which shall be in addition to the interest above provided for.

Tax bills assessed against an Administrator, Executor, or Trustee, shall be a charge against the whole succession of trust estates, and may be enforced accordingly, aside, in either case, from the other remedies hereinafter given."

Who to be liable for taxes.

"§ 2999. Every Guardian, Committee, Trustee, or other fiduciary appointed under the laws of Kentucky, or by a deed or will recorded in any County Clerk's office therein, who has the management of any lands or improvements in the city, and every agent of a non-resident of Kentucky, owning property in the city, who collects the rent thereof, or the husbands of women owning such lands or improvements, who collect the rent or income thereof in money, or enjoy the profits of such lands or improvements by occupying the same, shall before the First of July of each year, pay out of the net income of such lands and improvements, the city tax assessed upon the same in the preceding year, with accrued interest, before applying such income to the wants of, or paying it over to, his beneficiaries or employer, any instructions of the latter notwithstanding; and in default thereof, he shall be liable for such tax, to the amount of the income which he might have so applied, which liability may be enforced in equitable proceedings in any court of competent jurisdiction in which it shall not be an answer that the city has a security in its lien upon the lands and improvements, and right to sell same for taxes."

Tax Receiver; further duties.

§ 3000. The Tax Receiver shall, as early in the month of July as is practicable, make a list of all the tax bills remaining wholly or in part unpaid on the first of July. He shall at once file the list with the City Comptroller. For reporting falsely, he shall answer to the person aggrieved for all costs, penal-

ties, and damages caused thereby; but neither a false report, or a failure to report, shall invalidate subsequent proceedings under this act."

"§ 3001. Immediately upon the filing of these lists, the Tax Receiver or one of his Deputies, shall distrain the goods and chattels owned by, or in the rightful possession of the person from whom the tax is due, notwithstanding the existence of any lien upon same, except that for State taxes, and may proceed to sell the title of such person in so much thereof as will pay the tax due, with penalties, interest, and costs. If there be no personal property reasonably available, out of which said bills can be collected by such distraint, the Tax Receiver shall sell any real estate belonging to such delinquent tax payer, or enough thereof to pay the taxes due, with interest, penalties, and costs, except that where there are bona fide mortgages or vendor's liens of record on real estate, only liens now given by law shall be enforced by such sale. No warrant shall be required for such distraint or sale of either personal or real property, but the tax bill, unpaid in whole or in part, shall give sufficient power for such distraint and sales, and all subsequent proceedings thereunder. He shall thus in each case make out of the property of the person assessed, the amount of the tax bill, or the unpaid part thereof, together with interest at the rate of one-half ($\frac{1}{2}$) of one per cent (1%) per month, or fraction of a month, from the First of May last past, and ten per cent (10%) on the face of the bill. Said tax bills shall have the force and effect of an execution issued upon a judgment against the delinquent, in addition to the tax lien now provided by law. The city shall have a lien on personal property as provided in case of real property, for its taxes. A sale of personalty under such tax bills shall be for cash, and the levy, advertisement, sale and delivery to purchaser shall be made in like manner as of goods levied upon under execution on replevin bond. When such tax

Property to be
distrained.

Interest and
Penalties.

City to have
lien.

Sale of proper-
ty.

Sales for taxes;
how advertised.

bills are against a married woman, they may be also levied upon such goods of her husband, not exempt from levy under a like tax bill against himself, and found on any of the lands or improvements for which the married woman is assessed. A sale of real property under such bills shall be for cash, and in such cases the Tax Receiver shall sell at public auction, so much of the property of the delinquent as shall pay the taxes due, with penalties, interest, and costs, in the same manner that property is sold under execution, except that the sale shall be had at the door of the City Hall of the city in which the land lies, and need not be appraised or levied on. Such sale shall be advertised by posting for Fifteen (15) days before the sale, a written or printed notice at the City Hall door, and by publication once a week for four (4) weeks prior to the day of sale, in the newspaper published in the English language, selected by the General Council, to print its proceedings and ordinances; and the Tax Receiver shall, not less than Fifteen (15) days before the sale, mail to the delinquent, a postal card addressed to his place of residence, or place of business, if such can be ascertained, notifying him of the time and place of the sale: and in order to cover the cost of such advertisement and notification, the Tax Receiver shall have Two Dollars (\$2.00) for each person whose property is advertised, to be paid by the delinquent, but in no event to be paid by the city, and money so received shall be paid by the Tax Receiver into the City Treasury; but the failure of the Tax Receiver to send, or of the tax payer to receive the mail notice of sale herein required, shall not invalidate the sale or any subsequent proceedings thereunder."

§ 3002. If at any sale for taxes, of real property, no one will bid for or purchase the property offered for sale, at the amount of the tax, the charges due, and the cost of sale, including the cost of advertising, it shall be the duty of the Tax Receiver to purchase

same for the city, for the amount of the tax due, with interest, and penalties, and costs of sale thereon. The owner of the real estate so sold, his heirs, representatives, assigns, shall have the same right to redeem such real estate from the purchaser thereof at any time within two years from the day of sale, as is provided by law in the sale of real estate under execution, by paying to the Tax Receiver, the amount of the purchase price at said sale, with interest thereon at the rate of one per cent (1%) per month, or fraction thereof, from the day of sale; and in case the land is not redeemed before the First day of April succeeding the sale, by paying a further penalty of five per cent (5%) upon the purchase price. During the two years allowed for redemption, and until redemption, the land so sold shall be assessed for subsequent tax levies, in the name of the delinquent owner. During that time, there shall be no sale of the land for the collection of such later tax bills, but the delinquent shall be required to pay said bills, with interest and penalties as above provided, upon the redemption of the land, in addition to the payment of the purchase price, with interest and penalties as hereinabove required. All moneys paid in redemption of land sold for city taxes, shall be paid to the Tax Receiver of the city, who shall account for such moneys in the same manner, and to the same officer as is required of him in the regular collection of taxes; except that, when the purchaser at a tax sale is not the city, the Tax Receiver shall pay over to the purchaser upon proper receipt, the amount of the purchase price, with interest and penalties thereon; but all moneys paid by the delinquent at the time of redemption in discharge of the bills against that land which was assessed subsequently to the tax for which the sale was had, shall be accounted for by the Tax Receiver as are other tax collections; and it shall be the duty of the Tax Receiver to promptly notify the purchaser at a tax sale of the

City to buy
property.

Redemption
by owner.

Redemption
moneys to be
paid to tax re-
ceiver.

redemption of the land purchased by him, by post-paid letter or card.

Persons under disability, whose lands have been sold for taxes, as herein provided, shall have the same right for the redemption of such lands, as are given them by law for the redemption of land sold for the payment of taxes due to the State of Kentucky."

Tax Receiver
to report.

"§ 3003. The Tax Receiver shall within sixty (60) days after same are made, report the result of all tax sales to the Comptroller, giving the number and amount of the tax bill or bills, for which the sale was had, the date of sale, the amount bid, and the name of the purchaser; and he shall keep such a record in his own office in an appropriate book, in which an alphabetical index shall be kept of the names of the delinquents whose properties have been sold, and said book shall contain a column or space opposite each record of sale, in which shall be entered a record of the redemption of the land, or of its conveyance to the purchaser in case it be not redeemed.

Upon the purchase of any realty, the Tax Receiver shall deliver to the purchaser, other than the city, upon payment of the price, a certificate in substantially the following form:

Certificate of
purchase.

"This is to certify that on this day-----
-----, whose Post Office address is
No. -----Street, City of
-----State of -----
purchased at a tax sale of the City of-----,
the following described real estate in said City:

Said purchaser has paid therefor the sum of \$-----
which represents the tax, penalties, interest and
costs, on the following tax bills to the date of sale:

Year. No. of Bill. Person Assessed. Face of Bill

 Witness my hand and seal this ----- day of
 -----, 19-----

 Tax Receiver of city of-----

The Tax Receiver shall keep a duplicate of such certificates and a record of all proceedings taken by him at such sales. Should any person bid at such sale the amount to be raised, and then fail to pay same, the Tax Receiver shall immediately re-sell said property. No levy or attempted levy upon personalty shall be necessary to validate any sale of realty, whether such realty be sold for taxes on realty, or on personalty, or both."

Title to vest in
 purchaser; when

"§ 3004. If the land be not redeemed within two years from the date of sale, a fee simple title shall vest absolutely in the purchaser, subject only to State taxes. Thereupon, the Tax Receiver then in office, shall convey the property by deed to the purchaser, who shall then be entitled to possession of the property, and have the right to recover same by suit or motion, as may be found most appropriate; Provided: That it shall be the duty of a purchaser, other than the city, to pay all later tax-bills, owing to the city, with interest, as provided in Section 2998, which were assessed against that property after the assessment of the tax for which it was sold, and the Tax Receiver shall not convey the property to such a purchaser until all such tax bills have been paid. Such deed shall be prima facie evidence of the regularity of the sale, and of all prior proceedings, and title in the person to whom the deed has been executed.

The City Comptroller may advertise and sell at public auction any lands which were purchased by the city at tax sale, and to which the city has received a deed, and of which it has possession, and may convey said land by deed to the purchaser, provided that he may be directed as to the time and

manner of sale by ordinance of General Council. No real property thus acquired by the city, except such as may be proper and necessary for public purposes, shall be held by the city longer than five (5) years after being vested with title, and unless the same is sold and conveyed by the city within that period of time, the title thereto shall escheat to the Commonwealth of Kentucky."

Power to enforce Collection.

"§3005. In addition to the powers given to cities of the First Class by the foregoing provisions of this act, for the collection of taxes by sale of the delinquent's property under a tax bill, such cities shall have the power to enforce collection of any tax bill due them by all remedies given for the recovery of debt in any court of the Commonwealth otherwise competent for that purpose.

This act shall in no wise invalidate or suspend any suit or action now pending for the enforcement of any tax now due, but said suits and actions may be prosecuted as though this act had not been passed. In addition, all the remedies provided in this act, shall apply to any unpaid tax bills, whether assessed for the year 1910, or any previous year.

All tax bills, for whatever year levied, which shall be owing a city of the First Class, on June 30, 1910, and which are then due and unpaid, in whole or in part, whether in suit or not, shall on and after that date, be subject to the provisions of this act, both as to interest and penalties (including the penalty of ten per cent (10%) to be added on July First) and as to collection by sale under tax bill or by suit. For the collection of all tax bills not in suit, which are due and unpaid, the Tax Receiver shall in July, 1910, proceed by sale as herein provided."

Repeal.

§ 5. That all other laws, and parts of laws, not mentioned in Sections One, Two, and Three, of this act, and in conflict with the provisions thereof, are hereby repealed.

Whereas, cities of the First Class are now suf-

fering great inconvenience and loss from current and past delinquencies in tax payments, an emergency is hereby declared to exist, and this act shall become a law when approved by the Governor.

Emergency.

Neither approved nor disapproved by the Governor.

CHAPTER 72.

AN ACT to amend an act entitled, "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid," approved May the 8th, 1897, by repealing said act and enacting a substitute therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act providing for the payment of interest on warrants issued for claims against the State of Kentucky, and fixing the order of payment thereof, and the funds from which said warrants shall be paid," being an act approved May the 8th, 1897, be, and the same is hereby repealed and in lieu thereof the following is enacted:

Act of May 8
1897 repealed.

§ 2. The Treasurer shall receive, in payment of claims against the State of Kentucky, the warrants drawn by the Auditor of Public Accounts in conformity with the laws of the State of Kentucky, or redeem the same if there be sufficient money in the Treasury appropriated for that purpose; and the Treasurer shall write on the face of said warrant, "redeemed," and shall register in a book to be kept by him for that purpose, when presented, the number, date, amount and the name of the person or persons to whom the same are made payable, and opposite the registry of each warrant, in separate columns, the date of payment, and the amount of interest, if any, paid thereon.

Registry to be
kept.

Warrant to be stamped.

§ 3. Whenever any warrant hereafter issued by the Auditor of Public Accounts shall be presented to the Treasurer for redemption, and the funds appropriated for the purpose for which said warrant was issued are exhausted, the Treasurer shall endorse thereon the date of its presentation with the words, "no funds with which to pay this warrant, and it bears five per cent interest from this date until called in," with his official signature thereto, and such warrant shall thereafter bear interest at the rate of five per cent per annum, payable semi-annually.

Old warrants may be stamped.

§ 4. All old warrants now outstanding against the State of Kentucky may be presented by the holder or holders thereof to the Treasurer who shall treat them in like manner as warrants mentioned in Sections two and three of this act; and said warrants shall bear interest from the date they are presented to the Treasurer and receive his endorsement thereon as provided for in Section three in this act.

Duty of Treasurer to call in warrants.

§ 5. It shall be the duty of the Treasurer whenever there are funds in the Treasury amounting to as much as fifty thousand dollars subject to outstanding warrants, to call for such number of warrants, so called in, shall bear interest after the ex- not exceed the funds in the Treasury, to be presented to him for payment. The call of the Treasurer shall be published by him for ten consecutive days in a daily newspaper published in this State, and no warrants, so called in shall bear interest after the expiration of said ten days publication; nothing herein, however, shall prevent the payment by the Treasurer of warrants due according to the date of issue if presented without awaiting such publication.

Additional Clerk allowed Treasurer.

§ 6. The Auditor shall draw a separate warrant for the interest on all interest bearing warrants due under the provisions of this act, which the Treasurer shall pay at the same time at which he pays the warrants on which the interest is due. And to

properly carry out the provisions of this act, and to keep the additional records required, there is hereby appropriated the sum of twelve hundred dollars per annum to the State Treasurer, for the purpose of securing additional clerical force in his office.

§ 7. Nothing in this act shall be construed as authorizing interest on warrants drawn on the funds of the common schools, the State University or the Sinking Fund, or as affecting the application of said funds. No interest on School funds.

§ 8. All acts and parts of acts in conflict herewith are hereby repealed. Repeal.

§ 9. There being an insufficiency of funds in the Treasury to meet the claims against the State of Kentucky, and which claims should bear interest as herein provided, this act shall take effect from and after its passage and approval by the Governor. Emergency.

Neither approved nor disapproved by the Governor.

CHAPTER 73.

AN ACT to repeal Section one thousand, seven hundred and twenty-five of the Kentucky Statutes and being sections six and seven, chapter thirty-three of the Acts of one thousand, eight hundred and ninety-four.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section one thousand, seven hundred and twenty-five (1725) of the Kentucky Statutes, and being Sections six (6) and seven (7), Chapter thirty-three (33), Acts one thousand, eight hundred and ninety-four (1894) of an act approved February twenty-eighth, one thousand, eight hundred and ninety-four (Feb. 28, 1894), entitled: "An Act to amend an Act, entitled, 'An Act relating to fees,' approved June fifteenth (15th), one thousand, eight Ky. Stat. Sec.
1725 Repealed;
Clerk's fees.

hundred and ninety-three, by amending article one thereof, relating especially to fees of Circuit Court Clerks," be and the same is hereby repealed.

Approved March 23, 1910.

CHAPTER 74.

AN ACT for the benefit of the Kentucky Division of the Daughters of the Confederacy.

Whereas, sixty chapters of the Daughters of the Confederacy in the State of Kentucky have raised certain funds for the purpose of erecting in the city of Lexington, Ky., an equestrian statue of General John H. Morgan, and dedicated to Morgan and his men.

Whereas, the estimated cost of said statue will be fifteen thousand (\$15,000.00) dollars, and

Whereas, the full amount has not been raised; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$7,500.00 appropriated.

§ 1. That the sum of seven thousand five hundred (\$7,500.00) dollars be, and is hereby, appropriated to the committee of the General John H. Morgan monument fund of the Daughters of the Confederacy toward the cost of said statue and the Auditor is hereby authorized and directed to draw his warrant for said sum of seven thousand five hundred (\$7,500.00) dollars in favor of D. H. James, the treasurer of said fund. Said appropriation is payable in three annual payments, of \$2,500.00 each, the first of said payments to be made July 1, 1910.

§ 2. Inasmuch as the statue has already been contracted for *and* an emergency is now declared to exist, and this act shall be in force from its passage and approval.

Approved March 23, 1910.

CHAPTER 75.

AN ACT to provide for county inspectors of apiaries and defining their duties, and providing for their compensation for the purpose of curing and avoiding foul brood and other diseases among bees and their hives.

§ 1. That whenever a petition is presented to the county judge of any county in the State of Kentucky, signed by three or more persons, all of whom are residents of said county, and possessors of an apiary or place where bees are kept, praying that inspector be appointed by said county judge, said county judge shall, within five days after the presentation of said petition, appoint a person as bee inspector who is resident of said county, who shall be a skilled bee keeper, having a thorough knowledge of foul brood and other diseases injurious to bees and their larvæ and the treatment of same.

County Judge
may appoint in-
spector.

§ 2. The person so appointed shall, within five days after his appointment, file with the said county judge his written acceptance of the office, or, in default thereof, or in case of vacancy, the county judge in the same manner may make new appointments until the said office is filled. The inspector shall hold his office for two years and until his successor is appointed and qualified, except when on petition of ten persons (each of whom is a resident of said county and possessor of an apiary), to the judge of said county, he may remove said inspector for cause after a hearing of petitioners.

Inspector to
accept office; re-
moval.

§ 3. Any bee keeper or other persons who shall have cause to believe that an apiary in his county is infected with foul brood or other disease, either in his own apiary or elsewhere, shall notify the inspector stating that on information or belief he believes that certain apiaries, describing the location,

Inspector to be
notified by bee
owners, of dis-
ease etc.

naming the owner or keeper, is affected with foul brood or other disease, and his ground for such belief. On receiving said notice from any source of the existence in any apiary in his county, of the disease known as foul brood, or any other infectious or contagious disease of bees, the county inspector of bees shall forthwith inspect each colony of bees and all hives, implements and apparatus, honey and supplies on hand or used in connection with such apiary, and distinctly designate each colony or apiary which is infected and notify the owner or person in charge of said bees thereof, in writing, and the owners of said bees, or the person in charge thereof, shall in good faith apply, and thereafter fully and effectually carry out to and upon such diseased colonies, such treatment as may have been prescribed by the said inspector for such cases; also thoroughly disinfect, to the satisfaction of the inspector, all hives, bee houses, honey and apparatus that have been used in connection with any such diseased colonies; or, at his election, the said owner or person in charge of such bees may, within the same time, utterly and completely destroy said bees, hives, houses, comb, honey and apparatus by first killing the bees (by the use of sulphur fumes when the bees are in the hives for the night), by fire, or bury the same in the ground with a covering of not less than two feet of earth.

**Inspector may
kill diseased
bees.**

§ 4. The inspector of bees shall have the right to enter the premises of any bee keeper where the bees are kept, and inspect such bees and any person resisting or refusing to allow said inspection by said bee inspector shall be guilty of a misdemeanor and may be then and there arrested by said bee inspector or person deputized by him and brought before a justice of the peace, and upon conviction shall be fined not less than ten or more than twenty-five dollars.

**Premises may
be entered and
bees inspected.**

§ 5. After inspecting, working with or handling infected fixtures, or handling diseased bees, the

inspector or other person shall, before leaving the premises, or proceeding to any other apiary, thoroughly disinfect his own person and clothing, and shall see that any assistant or assistants that may have been with him have also thoroughly disinfected their clothing and person.

Inspector
must disinfect
his clothing.

§ 6. The inspector shall have full power in his discretion to order any owner or possessor of bees dwelling in box hives or gums (being mere boxes or gums without frames) to transfer such bees to movable frame hives within a specified time, and in default of such transfer, after said length of time, the inspector may transfer such bees at the owner's expense, if free from disease; but, if diseased, he may destroy or order the destruction of such hives and bees as a public nuisance.

Bees may be
ordered trans-
ferred.

§ 7. Should any owner, or keeper of, or other person having diseased bees or their larvæ, or of any affected hives or combs, appliances or utensils for bee keeping, sell or barter or give away the same or allow the same or any part thereof to be moved such person shall be guilty of a misdemeanor, and upon conviction such person shall be fined not less than ten nor more than twenty-five dollars.

Penalty

§ 8. Should any person, whose bees have been destroyed or treated for foul brood, sell, or offer for sale, any bees, hives or appurtenances of any kind after such destruction or treatment and before being authorized by the inspector to do so, or should he expose, in his bee yard or elsewhere, any infected comb, honey or other infected thing, or conceal the fact that such disease exists among his bees, such person shall be guilty of a misdemeanor, and upon conviction such person shall be fined not less than ten or more than twenty-five dollars.

Penalty.

§ 9. If any owner or keeper of bees knows of, or after being notified by the bee inspector that foul brood or other infectious or contagious disease exists in any of the hives in the apiaries owned or in charge of said persons, and shall fail to comply

Penalty.

within ten days from receiving said knowledge and the date of receiving instructions from the county inspector to cure or destroy the bees or hives, or their appliances, such person shall be guilty of a misdemeanor, and upon conviction thereof such person shall be fined not less than twenty dollars or more than fifty dollars.

Bees etc. may
be destroyed.

§ 10. When the owner or possessor of bees shall disobey the directions of said bee inspector in curing or destroying any diseased bees, honey, comb, hives or appliances, said bees, honey, comb, hives and appliances shall be declared a public nuisance, and the said bee inspector shall at once destroy said bees, honey, hives or appliances, and may deputize such additional persons as he may find necessary to effect said destruction.

Inspector to
make report.

§ 11. The inspector shall make a semi-annual report in writing, under oath, to the Fiscal Court of the county, in which report he shall state the days and number of hours in the preceding months spent by him in the actual discharge of his duties, and shall in said report state the name of the owner or keeper, and the location of the apiary upon which such time was spent in curing or destroying said bees, together with an itemized account showing the dates and amounts, and for what said expenses were incurred, and to whom the same was paid, and for what services and consideration such indebtedness was incurred, and he shall make a full and complete report of all he did and results of his treatment of an apiary.

Expenses and
compensation of
inspector.

§ 12. After the inspector of bees in any county shall make report, as provided in the preceding section, said fiscal court shall allow to said inspector of bees five dollars for a full day and two dollars for each half day, necessarily and actually employed in the discharge of his duties under this act, together with his necessary and actual expenses while so employed to be audited, allowed, and paid by the

county treasurer upon the warrant of the fiscal court of the county.

§ 12a. There shall be levied annually on the owner of each colony of bees in each county in the State an annual tax of five (5) cents for each colony owned, which levy shall be placed on the tax books of the county by the fiscal court of such county at the time of the levy of other taxes each year, and such levy shall be predicated upon the returns for taxation as made by the assessor having jurisdiction in the premises for the return of personalty for taxation; such assessor shall be provided with necessary authority to procure such returns from owners of colonies of bees, who shall, on demand, be required to list the same for taxation for the purposes of this act, as in other cases of listing and valuation of personalty for taxation. The sheriff of the county shall collect the amount of said tax so assessed in the same manner and at the same time he collects other taxes, and the same shall be certified to him by the fiscal court in the same manner as other taxes for collection. The amount so collected shall constitute a special fund to be disposed of in the payment of salary and actual expenses of the inspector of bees appointed in pursuance of the provisions of this act, and said fund can be used in no other way.

Tax may be levied.

Sheriff to collect tax.

§ 13. This act shall become a law from its passage.

Approved March 23, 1910.

The style of the above act is not contained in the Enrolled Bill.—Ed.

CHAPTER 76.

AN ACT to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty.

Court may suspend sentence.

§ 1. Any parent or parents, or legal guardian, or person having the custody of any dependent, neglected or delinquent child, as defined by the statutes of this State, or any other person who shall knowingly or willfully encourage, aid, cause, abet or connive at such state of dependency, neglect or delinquency, or shall knowingly or willfully do any act or acts that directly produce, promote or contribute to the conditions which render such child a dependent, neglected or delinquent child, as so defined, or who, having the custody of such child, shall, when able to do so, willfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not more than one hundred (\$100.00) dollars, or by imprisonment in the county jail or workhouse for not more than fifty days, or both by such fine and imprisonment: Provided, that, instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendant from custody on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums

as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect or delinquency or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise it shall remain in full force and effect. If the court be satisfied by information or due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void.

Recognizance
for appearance.

§ 2. In trials under this act, the person proceeded against shall have the right to a trial by jury which shall be granted as in other cases, unless waived. If the finding of the jury be against the person tried their verdict shall so state, in which event the court, in its discretion, may enter such judgment as to it seems needful in the premises.

Trial by Jury
may be had.

§ 3. The county courts of the several counties of the State shall have exclusive jurisdiction of all cases coming within the provisions of this act.

Jurisdiction.

§ 4. This act shall be liberally construed in favor of the State for the purpose of the protection of the child from neglect, or omission of parental duty toward the child by its parents, and further to protect the child from the effects of the improper conduct or acts of any person which may cause, encourage or contribute to the dependency, neglect or delinquency of such child—although such person is in no way related to such child.

Act to be lib-
erally construed.

§ 5. An act, entitled "An act fixing and defining the powers of the several county courts within this

Act of March
19, 1908, Repealed.

Commonwealth with reference to persons responsible for, or directly promoting or contributing to the conditions that render a child dependent, neglected or delinquent, and providing how such power may be exercised," approved March 19, 1908, is hereby repealed.

Sections enacted separately.

§ 6. If any section of this act shall be held to be invalid such fact shall not affect any other section of this act, it being the intention of the General Assembly in enacting this act to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid such fact shall not affect the remaining portion of said section, it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereto separate.

Approved March 23, 1910.

CHAPTER 77.

AN ACT to amend Section 3 of an Act of the General Assembly of the Commonwealth of Kentucky, approved March 19, 1908, entitled an "Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby such powers may be exercised."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 3 of Act
of March 19 1908,
amended.
See Acts 1908-
181.

§ 1. That Section 3 of an Act entitled, "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and fixing and defining the powers of the several county courts within this Commonwealth with reference to the care, treatment and control of such children, and to provide for the means whereby

such powers may be exercised," approved March 19, 1908, being Chapter 67 of the Acts of the General Assembly of the Commonwealth of Kentucky for the year 1908, be, and the same is hereby amended by adding the word "volunteer" before the word "probation" in the fourth line of said section, and after the word "court" in the fifth line of said section to add the words "without any compensation whatever;" to strike from the fifth and sixth lines of said section the words "such probation officer to receive no compensation except as herein provided," by changing the figures Seven Hundred (\$700.00) Dollars in the fifteenth line of said section to One Thousand (\$1,000.00) Dollars, and after the word "such" in the seventeenth line of said section, add the word "salaried," and to add to the conclusion of said section the following: "All such salaried officers shall have all the powers of sheriff's and county patrolmen in making arrests," so that said section as amended and re-enacted shall read as follows:

The county courts of the several counties of this State shall have authority to appoint or designate one or more discreet persons of good moral character to serve as volunteer probation officers during the pleasure of the court without any compensation whatsoever. In counties having a city of the first or second class the county court may appoint one probation officer, who shall be designated as Chief Probation Officer, and who shall receive a salary of not exceeding Twenty-four Hundred (\$2,400.00) Dollars per year, to be fixed by the County Judge; one or more assistant probation officers, one of whom shall receive a salary of not exceeding Twelve Hundred (\$1,200.00) Dollars per year, and all other assistants so appointed shall receive a salary not exceeding One Thousand (\$1,000.00) Dollars per year, such salaries to be fixed by the Judge of the County Court. Such salaried probation officers shall be allowed their actual and necessary expenses in-

Probation officers;
Salaries.

curred in the performance of their duties; said salaries and expenses to be paid as provided herein. All such salaried probation officers shall have all the powers of sheriffs and county patrolmen in making arrests.

Approved March 23, 1910.

CHAPTER 78.

AN ACT to amend Section 2317 Kentucky Statutes, relating to lien of landlord.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ky. Stats. Sec.
2317 amended.

§ 1. That Section 2317, Kentucky Statutes, Carroll's Edition, 1909, be amended by striking out the words "one hundred and twenty days" from said section, and inserting in lieu thereof the words "eleven months," so that when amended said section will read as follows:

Lien for eleven
months instead
of 120 days.

"A landlord shall have a superior lien on the produce of the farm or premises rented, on the fixtures, on the household furniture, and other personal property of the tenant, or under-tenant, owned by him, after possession is taken under the lease; but such lien shall not be for more than one year's rent due or to become due, nor for any rent which has been due for more than eleven months. And if any such property be removed openly from the leased premises, and without fraudulent intent, and not returned, the landlord shall have a superior lien on the property so removed for fifteen days from the date of its removal, and may enforce his lien against the property wherever found."

§ 2. Whereas, the end of the 120-day period amended herein will expire before this law becomes

effective, an emergency is hereby declared to exist and this act shall become effective upon its passage and approval by the Governor. Emergency.

Approved March 23, 1910.

CHAPTER 79.

AN ACT to further amend Section 564, Kentucky Statutes, being Section 27 of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section twenty-seven (27) of an act, entitled "An act providing for the creation and regulation of private corporations," which became a law April 5, 1893, as amended by an act approved March 25, 1904—said Section twenty-seven (27) being Section five hundred and sixty-four (564) Kentucky Statutes—be further amended so that said section as hereby amended shall read as follows:

Ky. Stats. Sec.
564 amended.

"Any corporation organized under this law may divide its shares into classes, such as preferred, common and deferred shares, or as may be otherwise designated, and it may give to each of the several classes such priority of right in the payment of the dividends, and in the redemption of the shares, as may be prescribed in the rules and regulations adopted by the shareholders; and may provide that the holders of its bonds shall be entitled, upon terms prescribed by it, to convert the same into the stock of the corporation, whether common or preferred, and that the holders of its preferred stock shall be entitled, upon terms prescribed by it, to convert the same into the bonds or other obligations of the corporation. No preferred stock shall be issued except for cash or its equivalent, nor for less than

Stock may be
converted.

the par value of the shares, which shall be stated in the certificates representing the preferred and common stock respectively. Any such corporation, all of whose outstanding stock is common stock may, by a resolution adopted by the vote of the holders of not less than two-thirds in amount of its outstanding capital stock, cast in person or by proxy, at a special meeting of stockholders called for the purpose and of which notice shall have been given as provided in the by-laws of the company, at least twenty days before the date of the meeting, or at the annual meeting of the stockholders of the company, or by the written consent of the holders of not less than two-thirds in amount of its capital stock, distribute or convert its outstanding capital stock into preferred and common stock in such proportion as shall be fixed by such resolution or written consent: Provided, that all holders of stock of the company at the time of such distribution shall be entitled to the same pro rata proportions of such preferred and common stock. And by a resolution adopted by the like vote or by such written consent, the capital stock of any corporation may be increased and the increased stock may be common or preferred stock, or partly one and partly the other, as may be fixed by such resolution or written consent. Any such preferred stock hereinbefore referred to shall be entitled to receive quarterly, semi-annual or annual dividends thereon at such rate as may be prescribed by the resolution or written consent under which the same was issued, and such dividends shall be payable as provided in the said resolution or written consent, before any dividends shall be declared on the common stock; and on the dissolution of the company, voluntary or otherwise, the holders of preferred stock shall be entitled to have their shares redeemed at par before any distribution of any part of the assets of the company shall be made to the holders of the common stock."

Stock may be increased and may be common or preferred.

§ 2. In view of the necessity for speedily provid-

ing a means to enable corporations to secure the necessary funds for developing their property by giving to those who may purchase their stock and bonds the right of conversion herein granted, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Emergency.

Approved March 23, 1910.

CHAPTER 80.

AN ACT to promote and compel attendance of children in schools, to prevent truancy in cities of the first, second, third and fourth class, and to enable boards of education or boards of school trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every parent, guardian or other person in any city of the first, second, third or fourth class, having the custody, control or supervision of any child, or children, between the ages of seven and sixteen years inclusive, shall cause such child to be enrolled in and to attend some public or private day or parochial school regularly each school year for a full term or period of said school provided that such private or parochial school term shall not be for a shorter period during each year than the term of the public schools in the city of the child's residence: Provided, further, that this act shall not apply in any case where the child has been, or is being taught at home in such branches as are taught in the public schools for a like period of time and subject to the same examinations as other pupils of the city in which the child resides; and for the purpose of ascertaining whether or not any child is embraced within this exemption the court may

Parent to have
Child enrolled in
School

order such child to submit to an examination to be given by the city superintendent of schools.

Conditions
upon which
Child may be ex-
cused.

Provided, further, that this section shall not apply to any child who is excused by the Board of Education or school board of the city in which the parent, guardian or person having the custody, control or supervision of such child or children reside, upon it being shown to the satisfaction of the superintendent or chief executive officer of schools upon certificate of the Health Officer, which certificate shall be filed in the office of the superintendent of schools, that such child is not in proper physical or mental condition to attend school. Provided, further, that the provisions of this act shall not apply to any child between fourteen and sixteen years of age for whom an employment certificate may have been issued in accordance with the provisions of the child labor law.

Penalty.

§ 2. Any parent, guardian or other person having the custody, control or supervision of any child embraced within the provisions of this act, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five (\$25) dollars for the first offense, and for any subsequent offense, upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100) dollars, or by imprisonment in the county jail for any period not exceeding fifty days, or both so fined and imprisoned, in the discretion of the court.

Penalty for
false statement.

§ 3. Any parent, guardian or other person having the custody, control or supervision of any child, embraced within this act, who with the intent to evade the provisions of this act, shall make a false statement concerning the age of such child or the time such child has attended school, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred (\$100) dollars, or by imprisonment in the

county jail for a period not exceeding fifty days, or both so fined and imprisoned in the discretion of the court.

Any parent, guardian or other person having the custody, control or supervision of any child embraced within this act, who shall be proceeded against under this act, may prove in defense that he is unable to compel the child under his control to attend school, and he may be thereupon discharged from liability, and such child shall be proceeded against as a delinquent child under the statutes in such cases made and provided.

Defense.

§ 4. A passport, a duly attested transcript of the certificate of birth or baptism, a certified copy under oath of a record in the family Bible, or other religious record, showing the date and place of birth of such child shall be produced as proof of age. In case such certificate or record as heretofore provided can not be secured, upon proof of such fact, the record of the age stated in the first school enrollment to be found shall be considered as evidence thereof. If there be no school enrollment showing such fact, other evidence as to the age of such child may be considered.

Evidence of
Child's age.

§ 5. Any fines or penalties provided for in this act shall be for the use of the public schools of the city in which such child resides. Any such fine or penalty may be recovered by rule or in any way in which a court of equity may enforce its orders or decrees.

Fines; how re-
covered.

§ 6. In the first week of July in each year the board of education in each city of the first, second, third and fourth classes shall appoint at least one person for each ten thousand (10,000) children, enrolled in the school census, to serve as truant officers, whose term of office shall be during the pleasure of the Board appointing him, who may be removed at any time by said Board for cause and whose duties shall be limited to the city where the appointment is made. If in any such city there shall be less than

Truant officers.

ten thousand (10,000) children enrolled in the school census, there shall be appointed, as above, one truant officer.

Qualifications. Said truant officers shall be residents of the city in which they are appointed, and of good moral character. They must be able to read and write with ease. In cities of the first class such truant officers shall not engage in any other occupation during such period of time as the schools are in session each year.

Before they shall be eligible for appointment, all applicants for the position of truant officer shall be examined by the superintendent of schools, who shall certify to the Board of Education only such persons qualified as herein provided.

Salary. Such truant officer shall receive from the tax levy for school purposes of such cities not less than one (\$1.00) dollar, nor more than three (\$3.00) per day during such period of time as he may be employed by the School Board.

Duties of truant officers. In cities of the first and second class, the Board of Education may appoint a chief truant officer in addition to the truant officer or officers herein provided for or may designate one of the truant officers as provided for as chief truant officer and shall be authorized to (pay) such chief truant officer a salary of not exceeding twelve hundred (\$1,200) dollars per year to be fixed by said Board. It shall be the duty of the chief truant officer, under the general direction of the superintendent of city schools to supervise, control and direct the work of all truant officers appointed in such city. Such chief truant officer shall cause to be made and fully kept, reports from all truant officers, principals, and teachers of the workings of this act and shall be directly charged with the duty of seeing that the provisions of this act are complied with.

§ 7. Truant officers shall examine into any case of truancy within the city or district, and when, from personal knowledge, or by report or complaint from

any resident or teacher of the city or district it appears that any child, subject to the provisions of this act, is absent from school without lawful excuse, and in violation of the provisions of this act, or is persistently truant from school, the truant officer shall immediately give written notice to the parents, guardian or person having the custody, control or supervision of such child that the attendance of such child is required, and if such parent, guardian or person having the custody, control or supervision of such child does not comply immediately with the provisions of this act, then such truant officer shall proceed against such child as a delinquent child, and against such parents, guardian or person having the custody, control or supervision of such child for violation of this act, and for contributing to such condition of delinquency in such child. It shall be the duty of all truant officers to report all violations of the child labor law of which they have any knowledge. In cities having a chief truant officer, such reports shall be made to such chief truant officers and in cities having no chief truant officer such reports shall be made by truant officers to the superintendent of city schools. All such violations aforesaid shall be promptly reported by the Superintendent of Schools or chief truant officer, as the case may be, to the Labor Inspector.

Further duties.

§ 8. The county court of the respective counties of the Commonwealth shall have exclusive jurisdiction of all cases coming within the terms and provisions of this act.

Jurisdiction.

§ 9. All school officers and teachers are hereby required to make and furnish upon demand, any report that may be required by the Superintendent of Public Instruction, or by the Superintendent of Public Schools of cities of the first, second, third and fourth classes, with reference to the workings of this act, and all truant officers appointed under this act shall keep a full record of the work done by them, in books to be furnished them for that purpose by

Reports to be made.

the State Superintendent of Public Instruction. The Superintendent of Public Instruction shall make and publish an annual report of the workings of this act.

Such truant officers shall be under the direct supervision and control of the City Superintendent of Schools and shall report to teachers, principals, or other persons as directed by him and each City Superintendent of Schools shall compile and publish an annual report of the work of the truant officer or officers under this act.

Lists to be furnished truant officers.

§ 10. During the month of August in each year the Superintendent of Public Schools of cities of the first, second, third and fourth classes shall furnish or cause to be furnished by the truant officer or officers of said city to the Principal of each school in their respective cities a list of all children between the ages of seven and sixteen years entitled to attend said school, in such form as may be adopted by such Superintendent. Said list shall be arranged in such form as such Superintendent may prescribe, shall contain the name and age of each child, the name and address of such child's parents, guardian or person having the custody, control or supervision, and such other facts as may be required by the Superintendent of Public Instruction, or Superintendent of Schools of the city of the first, second, third and fourth classes.

The principal of each school in cities of the first, second, third and fourth classes shall report each day, if possible, or at such times as he may be directed by the Superintendent of Schools during such period of time as the schools are in session each year in the respective cities, to the Superintendent of Public Schools in the city in which such school is situated, or to a truant officer, if so directed by the Superintendent, the name and address of each child who has been absent from school without lawful excuse, or who is persistently truant from school, together with the name of such child's parent or

parents, guardian or persons having the custody, control or supervision of such child, and it shall be the duty of the truant officer to whom such report is made, immediately upon the receipt of same to make or cause to be made an examination into the cause of absence or truancy contained in such reports and to take any and all needful steps as provided herein under the statutes of this State, to compel such child to attend school, and in cities where a chief truant officer has been designated or appointed such officer shall file a written report once each month with the City Superintendent of schools of all the work done by such chief truant officer and his assistants and in cities where no chief truant officer is designated each truant officer appointed shall file with the City Superintendent of Schools each month a written report of his work done in the discharge of his duties as set out herein.

§ 11. A. The Board of Trustees, Board of Education, School Board or Board of Commissioners, as the case may be, of any city of the first or second class, are hereby authorized and empowered to equip, maintain and conduct one or more parental or truant schools for the purpose of affording a place where children of compulsory school age, and coming within the provisions of this act, and of the statutes of this State, concerning neglected, dependent and delinquent children, may be detained for the purpose of discipline and instruction hereinafter provided.

Parental
Schools to be
maintained.

B. Such school or schools may be located either within or without the corporate limits of the city; provided, however that such school or schools shall not be located outside of the county in which such city is located, and provided, further, that no such school shall be located at, or near any penal institution.

Location of
Schools.

C. No religious instruction shall be given in such school or schools except as is allowed by law to be given in public schools, but the Board of Trustees, Board of Education, School Board or School Com-

Regulations. missionaries, as the case may be shall make suitable regulations so that inmates shall receive religious training in accordance with the belief of such children's parents or guardian, either by allowing such religious services to be held in such institution or by arranging for the attendance of public service elsewhere.

Probation. D. Any child committed to such school, or schools, upon an order duly entered by the County Court, may be allowed to return home upon probation and to remain while upon probation, subject to the friendly visitation and supervision of a probation officer of said County Court, and subject at any time to be returned to such school if said child, in the opinion of the County Court, shall violate the terms and conditions of its probation. No child shall be released upon probation in less than four weeks from the time of his or her commitment, nor thereafter, unless the court shall be satisfied that said child, who is probationed, will attend regularly some public or private school as herein provided. If any child so released upon probation shall be regular in his or her attendance in school, and his or her conduct as a pupil shall be satisfactory for a period of one year from the date upon which she or he was released upon probation, he or she shall be finally discharged from such parental or truant school, and shall not be recommitted thereto, except in a subsequent proceeding undertaken according to the provisions of this act, and to the statutes of this State, concerning neglected, dependent and delinquent children.

E. Any child released from said school or schools upon probation as herein provided, who shall violate the conditions of his or her probation any time within one year thereafter, shall, upon the order of the County Court, be returned to such parental or truant school and shall not again be released upon probation within a period of three months from the date of such re-entering; and if such child shall

violate the conditions of a second release upon probation he or she shall be recommitted to such school and shall not be released therefrom on probation until he or she shall have remained in such school one year.

F. The Board of Trustees, Board of Education, School Board, or School Commissioners, as the case may be, of cities of the first or second class, may establish any rules or regulations concerning such schools not inconsistent with this act or the Constitution or laws of this State.

§ 12. An act, entitled "AN ACT to promote and compel attendance of children in schools, and to prevent the truancy in cities of the first, second, third and fourth class, and to enable Boards of Education and Boards of School Trustees of cities of the first and second class to establish and maintain parental or truant schools for the care and discipline of truant children and for the purpose of reducing truancy," approved March 19, 1908, is hereby repealed.

Act of March
19 1908 repealed.

§ 13. If any section of this act shall be held to be invalid, such fact shall not affect any other section of this act; it being the intention of the General Assembly, in enacting this act, to enact each section separately; and if any proviso or exception contained in any section of this act shall be held to be invalid, such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereto separately.

Sections enacted
separately.

Approved March 23, 1910.

CHAPTER 81.

AN ACT defining motor vehicles, providing for the registration of the same and uniform rules regulating the use and speed thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Motor vehicle. § 1. That the short title of this act shall be the "Motor Vehicle Law." Whenever the term motor vehicle is used in this act, it shall be construed to include automobiles, locomobiles and all other vehicles propelled otherwise than by muscular power, except motor bicycles, traction engines and road rollers, the cars of electric and steam railways and other vehicles as are propelled exclusively by muscular pedal power.

Registration and fees. § 2. Every owner of a motor vehicle which shall be driven in this State shall, except as otherwise provided in this act, within ten days after he becomes the owner of such vehicle file in the office of the Secretary of State an application properly sworn to, setting forth his name and address, with a brief description of the vehicle to be registered, including the name of the maker, factory number, style of vehicle and motor power, stated in figures of horse power, on a blank to be prepared and furnished by such Secretary of State for that purpose, and shall pay to the said Secretary of State a registration fee of Five dollars on all motor vehicles of a power, less than twenty-five horse power, and Ten dollars on all motor vehicles of a power equal to or greater than twenty-five horse power, and less than

fifty horse power, and Twenty dollars on all motor vehicles of a power equal to or greater than fifty horse power, per annum for each motor vehicle owned by the person making such application. Said registration shall be made on the date the application is received and filed by the Secretary of State and shall expire one year thereafter. Upon the filing in the office of the Secretary of State of said application as hereinbefore provided, the Secretary of State or his duly authorized agent, shall, without further fee assign to such motor vehicle, as described in such application, a distinctive number and shall issue to the owner of such motor vehicle as is described in the application filed a certificate of registration, which certificate shall be in the form of a card, which may be carried in the pocket, and which certificate shall contain the distinctive number so assigned to such motor vehicle, the name and address of the owner, a brief description of such motor vehicle, stating the name of the manufacturer, the motor power, and the amount of such motor power stated in figures of horse power: Provided, that nothing in this act shall be construed to prevent cities of the first, second and third classes from levying and collecting license taxes from resident owners of motor vehicles for city purposes, by ordinances properly passed.

The Secretary of State shall also issue to the owner of such motor vehicle a seal of aluminum or other suitable metal which shall be circular in form and not to exceed two inches in diameter, having stamped thereon the words "Registered Motor Vehicle No. —, Ky.," thereafter at all times to be affixed to the motor vehicle to which such number has been assigned. Duplicate certificates of registration will be issued upon the payment of a fee of fifty cents and the filing in the office of the Secretary of State an affidavit to the effect that the original certificate of registration was lost, stolen or destroyed.

Seal to be
issued.

Register to be
kept.

The Secretary of State shall cause the name of such owner with his address, registration number and date of the filing of application and description of such motor vehicle or motor vehicles, to be entered in alphabetical order of the owner's name, in a book to be kept for that purpose in the office of the Secretary of State: Provided, that this section shall not apply to manufacture of or dealers in, motor vehicles in this State, except as to vehicles kept by such manufacturers or dealers for private use or for public hire.

Number to be
displayed.

§ 3. The owner of each motor vehicle shall have a number corresponding with the number of the certificate of registration and registration seal issued by the Secretary of State, as hereinbefore provided, conspicuously displayed upon the front and back of every such motor vehicle owned by him, whenever the same shall be driven or used upon the public streets, roads, turnpikes, parks, parkways, drives or other public highways in this State; such numbers to be separate Arabic numerals, not less than four inches in height and each stroke to be a width of not less than one-half of an inch and also as part of such number, the letters "Ky.;" such numbers and letters shall be white on black ground, and such letters to be not less than one inch in height.

Said owner shall not be required to place any other marks of identity upon said motor vehicle.

Lights to be
displayed.

§ 4. Every motor vehicle shall carry during the period from sunset to one hour before sunrise, at least two lighted lamps, showing white lights visible at least two hundred feet in the direction towards which each motor vehicle is proceeding, and shall also exhibit at least one red light visible in the reverse direction attached to the rear of such motor vehicle. Upon each of the glass fronts of the two first mentioned lamps showing white lights, shall be displayed in such manner as to be plainly visible when such lamps are lighted, the number of the

certificate issued as aforesaid by the Secretary of State and in addition thereto, the letters "KY." such figures to be separate Arabic numerals not less than one inch in height.

§ 5. Each manufacturer of and dealer in, motor vehicles doing business in this State, shall register one vehicle in each class manufactured or dealt in by him, and if a number corresponding to the number of the registration seal issued to such manufacturer or dealer is displayed upon every vehicle of the class for which it was issued as provided in this section, while such vehicle is being operated by such manufacturer or dealer, or his agent or representative, on the public highway, it shall be deemed a sufficient compliance with. Sections two, three and four of this act, until such vehicle shall be sold or let for hire: Provided, that electrically driven motors shall constitute a class, those propelled by steam power a class, and those propelled by gasoline explosive type engines a class, and that nothing in this section shall be construed to apply to a motor vehicle employed by a manufacturer or dealer for his private use or for hire. No motor vehicle shall be used or operated upon the public highways of this State after this act shall take effect unless the owner shall have complied in all respects with Sections two, three, four and five of this act.

Provision as to
manufacturers.

§ 6. The vendor and purchaser of every motor vehicle which has been previously registered by any person other than a manufacturer or dealer, shall within ten days after such sale join in a statement and send the same by mail to the Secretary of State, and thereupon said registration shall cease to apply to the motor vehicle so sold; and the purchaser of such motor vehicle shall register the same as in case of an original registration and another and different number than the original registration number shall be assigned to said motor vehicle, and the original registration number shall be cancelled by the Secretary of State.

Duty of owner
and purchaser in
case of sale.

Application to non-residents. § 7. The provisions of Sections two, three, four, and five of this act shall not apply to any motor vehicle owned by non-residents of this State, provided the owner thereof has complied with any law requiring the registration of motor vehicles, or the names of the owners thereof, in force in the city, State, territory or federal district of his residence, provided the registration number showing the initial or abbreviation of the same of such city, State, territory or federal district shall be displayed on such vehicle, substantially as in Section three of this act provided. And provided, that nothing in this section shall be so construed as to exempt non-resident owners and drivers of automobiles from complying with the first part of Section 4 of this act requiring the carrying of lighted lamps as in said section provided.

Vehicles must have brakes. § 8. Every motor vehicle while in use on a public highway, shall be provided with good and sufficient brakes and also with a suitable bell, horn or other signal device. No part of the machinery of any motor vehicle shall be left running while such vehicle is left standing without an attendant, on any public highway in this State.

§ 9. No person shall drive a motor vehicle or motor bicycle upon any public highway in this State at a speed greater than is reasonable and proper, having regard to the traffic and use of the highway or so as to endanger the life or limb or injure the property of any person.

Speed limits. If the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passes through the closely built up business portions of any incorporated city, town or village exceed ten (10) miles an hour for a distance of 1-8 of a mile, or if the rate of speed of any motor vehicle or motor bicycle operated upon any public highway in this State where the same passes through the residence portions of any incorporated city, town or village exceeds fifteen (15)

miles an hour for a distance of $\frac{1}{2}$ of a mile, or if the rate of speed of any motor vehicle or motor bicycle operated on any public highway of this State outside of the closely built up business portions and the residence portions of any incorporated city, town, or village exceeds twenty (20) miles an hour for a distance of $\frac{1}{4}$ of a mile, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable and proper, having regard for the traffic and use of the way or so as to endanger the life or limb or injure the property of any person. If the rate of speed of a motor vehicle or motor bicycle operated on a public highway in this State in going around a corner, curve, or crossing a highway, where the operator's view of the road traffic is obstructed exceeds eight (8) miles an hour, such rate of speed shall be *prima facie* evidence that the person operating such motor vehicle or motor bicycle is running at a rate of speed greater than is reasonable, having due regard to the traffic and use of the way or so as to endanger the life or limb or injure the property of any person.

§ 10. Whenever it shall appear that any horse ridden or driven by any person upon any of said roads, streets or highways is about to become frightened by the approach of any such motor vehicle, it shall be the duty of the person driving or conducting such motor vehicle to cause the same to come to a full stop until such horse or horses shall have passed.

Duty towards
animals.

§ 11. No owner of a motor vehicle shall be required to display upon his motor vehicle any other number than the number of the registration seal issued by the Secretary of State, or excluded or prohibited from, or limited in the free use of his said motor vehicle or vehicles, nor limited as to speed upon any public street, avenue, road, turnpike, driveway, parkway or any other public place, at any time when the same is or may hereafter be

Regulations as
to Cities.

opened to use of persons having or using other vehicles, nor be required to comply with other provisions or conditions as to the use of said motor vehicles except as in this act provided: Provided, however, that nothing in this section contained shall be construed to apply to or include any speedway created, provided for, or maintained by the local authorities of any city, town, village or other municipal corporation within the State: And provided, further that the local authorities having jurisdiction over the public parks and boulevards connecting or pertaining to the same shall not by the terms of this act be prohibited from adopting and enforcing such reasonable ordinances, rules or regulations, concerning the speed at which motor vehicles may be operated, within or upon any such parks, parkways, or boulevards, provided the rate of speed of motor vehicles fixed by such ordinances, rules or regulations, shall not be lower than the rate fixed for other vehicles, and provided that such authorities shall by signs conspicuously placed, indicate the rate of speed permitted by such ordinances, rules or regulations: And provided, that nothing in this act shall be construed as affecting the power of municipal corporations to make and enforce ordinances, rules and regulations affecting motor vehicles which are used within their limits for public hire.

§ 12. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to persons or property resulting from the negligent use of motor vehicles or motor bicycles on the public highways.

§ 13. All fees collected by the Secretary of State under this act, shall be covered by him into the State Treasury, for the benefit of the State Road fund, and to be applied and set apart as an addition to the fund.

§ 14. Any person willfully violating any of the

provisions of this act shall upon conviction be fined not less than Twenty dollars nor more than Fifty dollars. Any one using a fictitious number or numbers after the registration for same has expired shall be deemed guilty of a misdemeanor and upon conviction fined not less than Fifty dollars nor more than One Hundred dollars.

Penalty.

All laws or parts of laws in conflict or inconsistent with the provisions of this act are hereby repealed.

Repeal.

Approved March 23, 1910.

CHAPTER 82.

AN ACT to amend and re-enact Sections 12, 13, 14, 17, 18, 19, 20 and 26 of an Act entitled "An Act Concerning Conveyances," approved April 22, 1893, and being Sections 501, 502, 503, 506, 507, 508 and 514, Chapter 29 of Kentucky Statutes compiled by John D. Carroll, and issued in 1909; and to amend and re-enact Section 1 of an Act entitled "An Act to Cure Certain Defective Certificates of Proof Deeds, and to Make Copies from the Records Prima Facie Evidence in the Courts and Tribunals of this State," approved March 24, 1902, and being Section 519a of said Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 12 of an Act entitled "An Act Concerning Conveyances," approved April 22, 1893, and being Section 501 of Chapter 29 of the Kentucky Statutes compiled by John D. Carroll and issued in 1909 be, and it is hereby amended by striking out the words "by persons other than married women," in the first line thereof, and inserting in lieu thereof the words "by married women, or other persons," and re-enacted so as to read as follows:

Ky. Stats. Sec.
501 amended.

"Deeds executed in this State, by married women, or other persons, may be admitted to record.

1. On the acknowledgement, before the proper clerk or notary public, by the party making the deed.

Section as
amended.

2. Or by the proof of two subscribing witnesses, or by the proof of one subscribing witness, who shall also prove the attestation of the other.

3. Or by proof by two witnesses that the subscribing witnesses are both dead; and also like proof of signature of one of them and of the grantor.

4. Or by like proof that both of the subscribing witnesses are out of the State, or that one is so absent and the other is dead; and also like proof of the signature of one of the witnesses and of the grantor.

5. Or on the certificate of a clerk of a county court of this State, or notary public, that the same had been acknowledged or proved before him, as required by this section."

Ky. Stats. Sec.
502 amended.

§ 2. That Section 13 of said act, and being Section 502 of said Kentucky Statutes, be amended by striking out the words "by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacted so as to read as follows:

Section as
Amended.

"Deeds executed out of the State, and within the United States, by married women or other persons, may be admitted to record, when the same shall be certified, under his seal of office, by the clerk of a court, or his deputy, or by a notary public, mayor of a city, or Secretary of State, or commissioner to take the acknowledgement of deeds, or by a judge, under the seal of his court, to have been acknowledged or proved before him in the manner hereby required."

Ky. Stats. Sec.
503 amended.

§ 3. That Section 14 of said act, and being Section 503 of said Kentucky Statutes, be amended by striking out the words "by persons other than married women," and inserting in lieu thereof "by married women or other persons," and re-enacted so as to read as follows:

"Deeds executed out of the United States, by married women or other persons, may be admitted to record, when the same shall be certified by any for-

eign minister or consul, or Secretary of Legation of the United States, or by the Secretary of Foreign Affairs, certified under his seal of office, or the judge of a superior court of the nation where the deed shall be executed, to have been acknowledged or proven before him in the manner prescribed by law."

Amendment.

§ 4. That Section 17 of said act, and being Section 506 of said Kentucky Statutes, be and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

Ky. Stats. Sec.
506 repealed

"The conveyance may be by the joint deed of husband and wife, or by separate instrument; but in the latter case the husband must first convey, or have theretofore conveyed. The deed as to both husband and wife may be acknowledged or proven and recorded as heretofore, or by this act, provided."

§ 5. That Sections 18 and 19 of said act, and being Section 507 of said Kentucky Statutes, be, and the same is, hereby repealed, and there is hereby enacted in lieu thereof as follows:

Ky. Stats. Sec.
507 repealed.

"Where the acknowledgement of a deed shall be taken by an officer of this State or by an officer residing out of this State, he may simply certify that it was acknowledged before him, and when it was done."

§ 6. That Section 20 of said act, and being Section 508 of said Kentucky Statutes, be and the same is hereby repealed, and there is hereby enacted in lieu thereof as follows:

Ky. Stat. Sec.
508 repealed.

"Any married woman, resident in this Commonwealth or elsewhere, may, by agent, convey any interest she may have in personal or real estate, situated in Kentucky, and which she could lawfully convey in person. But such conveyance must be made in virtue of a power of attorney executed and acknowledged or proven, as deeds by married women are by law required to be."

§ 7. That Section 26 of said act, and being Section

Ky. Stats. Sec.
514 amended.

514 of said Kentucky Statutes, be and the same is hereby amended and re-enacted by adding thereto the following: "And no conveyance of real estate heretofore made by a married woman, or other person, shall be adjudged to be void or invalid, because the same was not certified, proven or lodged for record as heretofore required, provided the same was or is certified or proven in the manner by this act authorized," so that said Section, when amended, shall read as follows:

"No conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid because of a failure by the county clerk to incorporate in his certificate to such conveyance the indorsement of acknowledgement which may have been made by his deputy thereon. When acknowledgements to conveyances of real estate have heretofore been taken by a deputy clerk, and a note or memorandum thereof indorsed by him on such conveyance, and a certificate of such acknowledgement has been afterward written out by the principal clerk and signed by him as having been done by such deputy, or as if the acknowledgement had been before such principal clerk, such conveyance and certificate, and the recording thereof, shall be held to be valid although the note or memorandum made by the deputy may not have been copied into said certificate. And no conveyance of real estate heretofore made by a married woman or other person shall be adjudged to be void or invalid because the same was not certified, proven, or lodged for record as heretofore required, provided the same was or is certified or proven in the manner by this act authorized."

And be it further enacted:

Ky. Stats. Sec.
519a amended.

§ 8. That Section 1 of an act entitled "An Act to Cure Certain Defective Certificates of Proof Deeds and to make Copies from the Records Prima Facie evidence in the Courts and Tribunals of this State," approved March 24, 1902, and being Section 519A

of said Kentucky Statutes, be amended by striking out the words "by a person other than a married woman," and inserting in lieu thereof the words, "by a married woman or other person," and re-enacted so as to read as follows:

"Wherever a certificate admitting to record a deed executed in this State, by a married woman or other person, shows that such deed was admitted to record on the proof of one of the subscribing witnesses thereto, it shall be presumed that such subscribing witness proved the attestation of the other subscribing witness as well as the execution thereof by the grantor; and a certified copy of any such deed which has been, or which may hereafter be, recorded in the proper clerk's office shall be prima facie evidence in all courts and tribunals of this State."

§ 9. All laws, and parts of laws, in conflict herewith are hereby repealed to the extent of such conflict.

Repeal.

Approved March 23, 1910.

CHAPTER 83.

AN ACT to amend and re-enact Subsection 4 of Section 1, Article 4 of an act entitled, "An act for the government of cities of the second class in the Commonwealth of Kentucky," approved March 19, 1894, said subsection being Subsection 4 of Section Three thousand and fifty-eight of the Kentucky Statutes, 1903.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 4 of Section 1 of Article 4 of an act, entitled, "An Act for the government of the cities of the second class in the Commonwealth of Kentucky", approved March 19, 1894, said subsection being Subsection 4 of Section 3058 of the Kentucky Statutes, 1903, be and the same is hereby

Ky. Stats. Sec.
3058 amended.

amended and re-enacted so that the same shall read as follows, to-wit:

Water Supply.—To provide the city with water; to make, regulate and establish public cisterns, hydrants and reservoirs, in or under the streets within the city, or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water, and to compel any water company, corporation or individual to change or re-locate any water main or pipe; and, when such cities own a water works system, it shall have the power to supply such neighboring towns, cities and other municipalities, and individuals, as may contract therefor, with water from said water works system, and for said purposes may acquire and own all necessary franchises, rights and privileges from said towns, cities and other municipalities, to construct, extend and maintain, and may construct, extend and maintain and own therein, pipe and other things necessary to the supply and distribution of said water.

Water may be supplied to neighboring Cities.

In case the city shall secure the franchise for supplying any neighboring town, city or municipality, or in case of the annexation of any neighboring town, city or municipality, and if in such city, town or municipality, any water company or person or persons, has therefore laid, or constructed water mains, fire-plugs, hydrants, etc., in any such city town or municipality, for the purpose of supplying the same and its inhabitants with water, then, and in that event, the city obtaining said franchise, or annexing said town, city or municipality, shall be required, before they exercise any franchise therein for supplying water, to purchase all water mains, fire-plugs, hydrants and other attachments belonging to said water companies or person or persons, in said city, town or municipality, at a price to be agreed upon by the parties and in the event of a disagreement the price to be fixed by a Board of Appraisers consisting of three persons, one to be

selected by the city, one to be selected by the water company, and the two so appointed to select the third.

All acts, and parts of acts, in conflict herewith, are hereby repealed.

Approved March 23, 1910.

CHAPTER 84.

AN ACT to authorize the appointment of a chief deputy or assistant assessor in counties having a population of forty thousand or over, and under seventy-five thousand, and providing for his compensation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That assessors of taxes in this Commonwealth in counties having a population of forty thousand or over and having a Circuit Court of continuous session, and under seventy-five thousand, may appoint a chief deputy or assistant assessor, who shall be a sober, discreet and capable person, not under the age of twenty-four years, and whose duty it shall be in connection with subordinate deputies now provided by law, to assist the assessor in the discharge of his duties; and whose qualifications shall be subject to the approval of the county judge.

Deputy Assessor.

§ 2. That the compensation of said chief deputy or assistant shall be the sum of fifteen hundred dollars per annum, payable by the said counties affected hereby under order of the County or Fiscal Court.

Compensation.

§ 3. This act shall not apply to counties wherein deputy assessors are already entitled to compensation by existing laws based on a commission according to the aggregate assessment.

Exception.

Approved March 23, 1910.

CHAPTER 85.

AN ACT to amend an act entitled "An Act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ky. Stats. Section 881a Sub-sec. 2 amended.

§ 1. That Section 2 of an act of the General Assembly entitled "An Act to regulate child labor and to make the provisions thereof effective," approved March 18, 1908, which section is incorporated in Section 331a, 2, of the Kentucky Statutes, be amended by striking from the said section the following words: "In any factory, workshop, mine or mercantile establishment," and by substituting for the words so stricken the words: "In or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages."

Said section of said act as amended, shall read as follows:

Children; under what limitations to be employed.

"No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mine, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, and to the Labor Inspector, an employment certificate as hereinafter prescribed, and keep two complete lists of all such children employed therein,

one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The Labor Inspector may make demands on an employer in whose establishment a child apparently under the age of sixteen years is employed, or permitted, or suffered to work, and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ, or permit or suffer such child to work therein. The Labor Inspector may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the Inspector within ten days after such demand such evidence of age herein required of him, and thereafter continue to employ such child, or permit or suffer such child to work in such establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be *prima facie* evidence in any prosecution brought for violation of the provision that such child is under sixteen years of age and is unlawfully employed."

Labor Inspector may demand certificate.

Evidence.

“2. That Section 3 of said act shall be amended by striking out the whole thereof and in lieu thereof there shall be inserted the following so that the said section, as amended, shall read:

“§ 3. Employment certificates shall be issued only by the Superintendent of Schools or by a person authorized by him in writing acting in his name. Where there is no local Superintendent of Schools,

Employment certificates, who to issue.

they shall be issued by the County Superintendent of Schools or by a person so authorized by him."

§ 3. That Section 4 of the said act be amended by adding thereto the following words: "The superintendent of schools in any city, town, county, or district, wherever there is one, and where there is none, then the County Superintendent shall, between the first and tenth days of each month, transmit to the office of the Labor Inspector, a report, which report shall give, (1) the name of each child to whom a certificate has been issued in the previous month, together with the date of birth of such child; and (2) the name of each child to whom a certificate has been refused in the previous month, together with the ground for such refusal. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the Labor Inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-five nor less than five dollars, to be disposed of as provided in Section 18 of this law."

Penalty.

Said Section 4 shall, as amended, hereafter read as follows, viz.:

§ 4. "The persons authorized to issue employment certificates shall not issue such certificates until he has received, examined, approved, and filed the following papers duly executed:

Evidence of
childs' age.

"(1) The school record of such child properly filled out and signed as provided herein below. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with any officer charged with the duty of recording births, shall be sufficient evidence of the age of such child. (3) The affidavit of the parent, guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be

not produced and filed, showing the date and place of birth of such child; which affidavit must be taken before the officer issuing employment certificates, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the certificates, and until such officer shall, after making examination, file and sign in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upward and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the Board or department of health, or by the county physician. Every employment certificate shall be signed in the presence of the child in whose name it is issued. The superintendent of schools in any city, town, county, or district wherever there is one, and where there is none, then the County Superintendent shall, between the first and tenth days of each month, transmit to the office of the Labor Inspector, a report, which report shall give (1) the name of each child to whom a certificate has been issued in the previous month, together with the date of birth of such child; and (2) the name of each child to whom a certificate has been refused in the previous month, together with the ground for such refusal. A refusal or failure to transmit such report by any person charged under this section with the duty of transmitting same to the Labor Inspector, shall constitute a misdemeanor punishable by a fine of not more than twenty-five nor less than five dollars, to be disposed of as provided in Section 18 of this law."

Examination
of Child.

Superinten-
dents of Schools
to make report.

§ 4. That Section 7 of said act be hereby entirely stricken therefrom, and that hereafter Section 8

Section 7 stricken out.

thereof shall be numbered Section 7 and the subsequent sections of said act shall hereafter be numbered consecutively in numerical order.

§ 5. That Section 9 of the said act shall be amended as follows: The words "Whoever having under his control a child under such age," shall be stricken from the said section, and in place of the said words so stricken there shall be substituted the words "Any parent, guardian, or any adult person under whose care or control a child under such age lives, who," so that the said section as amended shall read:

"Whoever employs a child under sixteen years of age, and any parent, guardian, or any adult person under whose care or control a child lives, who permits such child to be employed in violation of Sections 1, 2 or 7 of this act, shall for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer or a Labor Inspector thereof, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer or Labor Inspector any employment certificate or list required by this act shall be *prima facie* evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of Section 2 of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by Section 5 of this act, who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars, nor less than ten dollars."

Penalty

§ 6. That Section 18 of said act be amended by adding thereto the following words: "Every fine imposed under this law shall inure to the benefit of the public schools in the city, county, town or district in which the violation may have occurred;

and the county (court) imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools."

Said Section 18 of the said act when amended as hereinabove provided shall read:

"Any adult person who violates any of the provisions of this act or who suffers or permits any child to be employed in violation of its provisions shall be deemed guilty of a misdemeanor, and on conviction, unless otherwise herein expressly provided, shall be punished by a fine of not more than fifty dollars and not less than twenty-five dollars for the first offense, and for each subsequent offense by imprisonment for not more than ninety days and not less than ten days, or by a fine of not less than fifty dollars nor more than two hundred dollars, or by both fine and imprisonment. Every fine imposed under this law shall inure to the benefit of the public schools in the city, town, county or district in which the violation may have occurred, and the court imposing such fine shall promptly cause same to be paid over to the proper school authorities entitled to receive other moneys accruing to said schools."

Disposition of:
money resulting
from fines.

Approved March 23, 1910.

CHAPTER 86.

AN ACT to amend Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's Edition of 1909, entitled "Fiscal Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1884 of Chapter 52 of the Kentucky Statutes, Carroll's Edition of 1909, entitled "Fiscal Courts," be and the same is hereby amended as follows:

By striking out from said Section 1884 the following words which appear in the fourth and fifth lines thereof, viz: "In a sum equal to double the amount of the taxes likely to come into his hands."

And by inserting in lieu thereof the following words: "In a definite penal sum which shall be determined and fixed by the judge of the County Court."

So that said Section 1884 as amended and re-enacted shall read as follows:

**Sheriff's Bond
to be in a definite
penal sum.**

"That the sheriff or other officer who may collect these taxes shall annually, before he proceeds to do so, execute bond to the Commonwealth of Kentucky, in the County Court of each respective county, with one or more sufficient sureties, in a definite penal sum which shall be determined and fixed by the judge of the County Court, for a faithful performance of his duty, and to pay over in due time to the proper party, as directed by the court, all money collected by him; said bond to be approved by order of the County Court, and when approved to be recorded in the order book, and safely kept by the County Court Clerk; and the officer collecting said taxes shall be allowed the same compensation as officers are who collect the State revenue; and he shall annually settle his accounts with the court of claims or fiscal court as such collector, and may be required to settle oftener, in the discretion of said court, by order entered of record, a copy of which shall be served on the officer; and his settlements shall show the amount of poll tax, and also the amount of ad valorem tax collected, and an itemized statement of the moneys disbursed, and the same shall be published for at least two weeks in the paper published in the county having the largest circulation therein, if any be published in the county; if none, then the settlement shall be published by written or printed hand-bills posted at the front door of the court house, and at least three other public places in the county."

Approved March 23, 1910.

CHAPTER 87.

AN ACT to amend Article 4, Section 186-d of Chapter 11-a of the Kentucky Statutes, Carroll's Edition 1909, entitled "An act relating to the bond of Public Officials and other bonds required by law."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the word "double" be stricken out from Section 186-D and that paragraph 2 in its entirety be stricken out, so that said sections as amended and re-enacted shall read as follows:

§ 1. That the bond required by law to be executed and given by any State, county, city, or other public official, and the bond required by law of any depository of State, county, city or other public funds, and the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, and any other bond required by law for the discharge or performance of any public or fiducial office, trust, or employment, shall be a covenant to the Commonwealth of Kentucky, from the principal and surety, or sureties, that the principal will faithfully discharge the duties of the office, trust, or employment, and such bond shall be limited in a definite penal sum, which shall be determined and fixed by the officer or officers whose duty it is to approve the bond, and the recovery against the surety under any such bond shall be limited to the amount of the penalty named therein: Provided, that the bond of any executor, administrator, guardian, committee, assignee, or other fiduciary, shall be fixed in a penal sum of not less than the estimated

Bonds of officers to be in a definite penal sum.

value of the estate, and, Provided, further, that the officer or officers taking any bond mentioned in this act, may at any time when it may appear to be to the interest of the obligee or obligees, increase the penal sum of such bond or require a renewal thereof with other or additional sureties.

§ 2. All laws in conflict herewith are hereby repealed.

Approved March 23, 1910.

CHAPTER 88.

AN ACT to protect religious worship in assemblages known as Associations, Camp Meetings, etc.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, or persons, whilst as assemblages of people are engaged in conducting what are popularly known as "Associations," "Camp Meetings," or "Arbor Meetings" in this Commonwealth, to engage in the business of erecting or running stands or other contrivances or places whereby soft drinks, tobacco, cigars or refreshments of any kind, whether in the nature of eatables or drinkables, are offered for sale, or are allowed to offered for sale within one and one half miles of the grounds on which said meetings are being held, except such places for selling refreshments as are conducted or authorized to be conducted by the Directors or Managers of the meeting.

Soft drinks
etc. not to be
sold without con-
sent.

Penalty

§ 2. Each sale of any article as herein mentioned as being prohibited during the progress of such meetings as are hereinbefore mentioned shall constitute a separate offense hereunder and the party or parties so offending shall be fined in the sum of not less than ten dollars nor more than one hundred

dollars for each offense. This act shall not apply to incorporated towns.

§ 3. This act shall take effect from and after its passage.

Approved March 23, 1909.

CHAPTER 89.

AN ACT to make an option a recordable instrument.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any option or offer to sell land, or other property, or any interest therein, when acknowledged or proven as deeds are required to be, may be recorded in the county in which such land or property is situated, in the same offices in which deeds are recorded, and in a separate book kept for that purpose, and the record of all such recorded options or offer to sell, shall, from the time of lodging the same for record, be notice of such contracts to all persons.

Effect of contract when recorded.

Approved March 23, 1910.

CHAPTER 90.

AN ACT relating to weights, measures and balances and the appointment of an inspector of weights and measures for counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Fiscal Court of every county in the State, within ninety days after this act takes effect, shall provide duplicates of the standard weights, measures and balances approved by the government

Fiscal Court to provide Standard weights and measures.

of the United States; said duplicates shall be kept in the custody of the clerk of the County Court for each county and in the office of said clerk.

Inspector to be appointed.

§ 2. The Fiscal Court of each county may in its discretion appoint an inspector of weights and measures, said inspector to be appointed by the Fiscal Court at its October session and he shall hold office for two years, or until his successor is selected and qualified. Before entering upon the discharge of his duties he shall execute bond for the faithful performance of his duties, said bond to be approved by the judge of the County Court and the penal sum to be fixed by said judge of the County Court. The duties of inspector shall not be incompatible with those of any other county office and the Fiscal Court may, in its discretion, authorize said duties to be performed by some county official.

Duties of Inspector.

§ 3. It shall be the duty of the inspector to test, at least once a year, all weights, measures, balances, scales, steel yards or beams in the county owned or used by any person, firm or corporation engaged in buying or selling merchandise, groceries, produce, poultry, grain, provender, meats, coal, ice, feed stuffs, iron, rags, metal, junk, wares, wool, hides, leather or other articles of trade or commerce, horses, cattle, sheep, hogs or other live stock, and using said scales, weights or measures for determining the weight of any said articles in either selling or buying same. The inspector shall also test all public scales where commodities or live stock are weighed and for which fees are charged. The Fiscal Court shall provide the inspector with weights, measures and balances and such other apparatus as will enable him to make the necessary tests. In counties containing cities of the first, second and third classes, where any such cities by ordinances require inspections of weights, measures and balances as often and of like character in this act, the inspector herein provided shall not make any inspections in said city.

§ 4. The inspector shall receive as compensation the following fees: For testing each platform scales ordinarily used in weighing live stock, coal, grain, provender, wagons and heavy articles of like character, one dollar and fifty cents; for testing each steel yard, balance, beam or any other scales, twenty-five cents, and for testing each weight and measure, five cents; said fees to be paid by the owner, operator or person in possession of said scales, weights and measures. The inspector after making any of the tests provided for herein, shall deliver to the owner or operator of scales, weights, measures and balances tested, a certificate setting forth the articles tested, the result and date of the test, and the inspector shall keep a complete record of all tests made and on the first Monday in each month shall file in the clerk's office of the County Court a statement over his signature showing the tests, if any, made by him during the previous month.

Compensation
of Inspector.

§ 5. Upon complaint of any person made by affidavit before the judge of the County Court, stating that he has been cheated or defrauded by the use of any scales, balances, or measures, within thirty days previous to said complaint, the County Judge shall order the inspector to immediately make a test of the scales, weights or measures complained of. If same are inaccurate in any respect, the owner, operator or person in charge of the scales, weights, or measures complained of, shall pay the fees of the inspection in addition to the other penalties prescribed by law. In the event that said scales, weights or measures complained of are found to be accurate, the complainant shall pay the fees for testing. The inspector shall have the right to make a test at any time, but there shall be fees charged for only one inspection per year of the same scales, weights or measures except in cases of complaint as herein provided. It shall be the duty of the inspector of weights and measures having knowledge

Duty of In-
spector when
complaint is
made.

or information of the use of false weights, or measures, or inaccurate scales or measures in the county by any person whatsoever, to report same to the County Attorney and to the next succeeding grand jury, if the user is not sooner arrested and tried. The inspector shall aid in the prosecution of offenders under this act.

§ 6. Any person who shall buy or sell by any weight, balance, scales or measure that does not correspond to or agree with the weights, measures, and balances herein provided, or shall use or give any false weights or measures, or shall keep any false weights, measures, scales or balances on hand for the purpose of buying or selling therewith shall be fined in any sum not less than four dollars nor more than one hundred dollars for each offense or a like sum for each and every month he continues to keep the false weights, measures, scales or balances on hand. Any person who shall refuse to permit the inspector to make a test of weights, measures, scales or balances, owned or operated by him, or under his control, or shall prevent or interfere with the inspector in doing so, or shall refuse to pay the fees for tests after same has been made, shall be fined for each offense in any sum not exceeding one hundred dollars, and for each and every day the said inspector is so prevented from making the tests provided for in this act, shall constitute a separate offense.

§ 7. Sections 4817, 4818 and 4819 of the Kentucky Statutes and all other laws in conflict with this act are hereby repealed.

Approved March 23, 1910.

CHAPTER 91.

AN ACT to limit the power of cities of the third class, and towns to sell, convey, lease or mortgage any water-works system, or lighting system or income thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no city of the third class, or town which is, or may hereafter be, the owner of any water-works system, or lighting system by gas or electricity, shall sell or convey or lease or mortgage or otherwise incumber the same, or the income therefrom, without the assent of two-thirds of the total number of legal voters of such city or town voting at the election held for that purpose, to be held only after sixty consecutive days' notice thereof, next before such election, published in said city or town, in the newspaper having the largest circulation therein.

City not to sell,
lease or mort-
gage water
works.

Approved March 23, 1910.

CHAPTER 92.

AN ACT to amend Section 281 of the Code of Practice in Criminal Cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 281 of the Code of Practice in Criminal Cases be amended by striking therefrom the words, "and upon motions for a new trial," and by inserting the word, "or" after the word "cause;"

Criminal Code,
Sec. 281, amend-
ed.

so that the section as amended shall read as follows:

“The decisions of the court upon challenges to the panel and for cause, or upon motions to set aside an indictment, shall not be subject to exception.”

Approved March 23, 1910.

CHAPTER 93.

AN ACT to limit the Liability of Members of Mutual or Assessment Fire Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Members may
be assessed to
meet deficits.

§ 1. If the whole amount of the deposit notes and cash belonging to a corporation, organized pursuant to, and for the purposes set forth in Subdivision 5 of Chapter 32 of Kentucky Statutes, shall not be sufficient to pay the amount due at any one time to the members of a corporation on account of losses occasioned by fire, lightning or wind, the limit of liability of each member of said corporation, on account of any assessment that may be required to meet the deficit shall not exceed the following rates and amounts, to-wit: Upon each member of a corporation having less than five hundred thousand dollars of insurance in force, ten dollars for each one hundred dollars of insurance he has in said corporation; upon each member of a corporation having over five hundred thousand dollars and less than one million dollars of insurance in force, five dollars on each one hundred dollars of insurance he has in said corporation; upon each member of a corporation having over one million dollars and less than two million dollars of insurance in force, three dollars for each one hundred dollars of insurance he has in said corporation; and upon each member of a corporation having over two million dollars of

insurance in force, two dollars for each one hundred dollars of insurance he has in said corporation.

Approved March 24, 1910.

CHAPTER 94.

AN ACT for the benefit of turnpike roads of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one to obstruct the water tables of a turnpike or any public road by putting a crossing, either private or public, over the water table of a public road without providing a culvert or drain pipe of sufficient dimension to carry the full volume of water that may drain in this water table or to curb it so as not to impede the full flow of water. It shall also be unlawful to plant trees, telephone poles or fence in or closer than two and one-half feet of the outer edge of the ditch, so that a plow or machinery may be used in making, widening or deepening them. Any fencing, tree or stone falling into a water table or rolling down from above into it, shall be removed within five days by owner of land of which the obstruction was a part or any person not an owner trimming trees or cutting weeds or briars, or any person placing any other obstruction in water table, shall be liable for all damage done by turning water into the road-bed, and also to a fine of two dollars for each day the obstruction has laid in the ditch longer than five days.

Crossing over road; culverts to be provided.

Unlawful to plant trees or poles in certain distance.

§ 2. It shall be the duty of the road overseer or county surveyor of roads, to report every misdemeanor under this act with all the evidence he may collect to the magistrate in whose district that part of the road may lay on the penalty of being

Duty of road overseers.

indicted by the first grand jury for misfeasance in office, and on conviction expelled from his office. On this act becoming a law the fiscal court shall order it to be published once each year for two years in some newspaper of general circulation published in their county.

Ditch may be
dammed.

§ 3. Any water table that may wash out deeper than necessary to carry the volume of water drained and undermining the road-bed or adjacent property by the permission of overseer or road supervisor, the ditch may be filled or dammed to its proper size.

§ 4. In making or repairing any part of a public road one-sixth or more of all money so spent shall be used for the drainage of said road by making water tables and placing culverts or drain pipes of suitable number and size.

§ 5. This act shall not apply to telephone companies that have obtained the consent of the fiscal court of the county wherein its poles are located as to the location of same.

Approved March 24, 1910.

CHAPTER 95.

AN ACT to further regulate Assessment Fire Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Assessment
Company may
collect for re-
serve fund.

§ 1. That it shall be lawful for Assessment Fire Insurance Companies organized under the laws of this Commonwealth, or which may be hereafter organized under such laws, to add to each assessment authorized under such laws such an amount, not exceeding twenty per cent of such assessment, and to collect such addition under the same limitations and restrictions as the original assessment, for the purpose of creating such a reserve fund as may be,

in the judgment of the governing authorities of such company, necessary until such reserve fund shall amount to one per cent of the entire outstanding insurance. The governing authorities of such companies shall have power from time to time to increase or diminish the amount of such addition, maintaining such reserve fund as near one per cent of the outstanding insurance as may be.

§ 2. The fund thus created shall constitute a reserve which may be used from time to time in the payment of losses in anticipation of the collection of assessments; and, in the event of liquidation, voluntary or involuntary, shall be apportioned, *pro rata* to the policy-holders whose policies have been in force for five years without any default in the payment of assessments and other valid charges against the same, in proportion to the amount of premium paid on said policies from the date of their issual. Disposition of fund.

§ 3. It shall be lawful for the governing authorities of such associations to invest the reserve fund in such securities as Fire Insurance Companies are now permitted by law to invest in, and they may use such securities by pledge or sale for the purpose of raising money to more effectively carry out the purposes set out in Section 2 herein. Fund may be invested.

Approved March 24, 1910.

CHAPTER 96.

AN ACT to amend Section 356 Kentucky Statutes so as to increase the fees of jailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 1 of Section 356, Chapter 20, Kentucky Statutes, be, and the same is hereby

Ky. Stats. Sec.
356 amended.

amended, to-wit: By striking from said section after the words, "under like charge," the words, "per day fifty cents," and by inserting in said subsection of said section in lieu of said words so stricken, the following words, to-wit: "Per day, seventy-five cents," so that said section when so amended shall read as follows, to-wit:

§ 356. JAILERS.—To jailers for imprisoning and releasing a prisoner charged with a felony or contempt, sixty cents.

1. For keeping and dieting a prisoner under like charge, per day, seventy-five cents.

2. For putting a prisoner in irons, to secure his safe-keeping in the jail, besides the cost of the irons, fifty cents.

Jailers; fees of.

3. For each day's attendance upon the Circuit Court, two dollars.

4. For furnishing fuel, light and water to the Circuit Court, not exceeding two dollars per day. (See further, as to fees, Section 1730)."

Repeal.

§ 2. All acts in conflict or inconsistent herewith are hereby repealed.

Exception.

§ 3. This act shall take effect from and after its passage and approval, but the provisions of this act shall not apply to counties having within their boundaries a city of the third class.

Approved March 24, 1910.

CHAPTER 97.

AN ACT to amend an act entitled "An Act for preventing the manufacture and sale of adulterated or misbranded foods, drugs, medicines and liquors, and providing penalties for violations thereof."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for preventing the manufacture and sale of adulterated or mis-

branded foods, drugs, medicines and liquors, and providing penalties for violations thereof," approved March 13, 1908, be and the same is hereby amended by adding to same the following, to-wit:

Amendment to
pure food act.

"Nothing in this act shall be construed to prohibit the manufacture or sale of colored oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer or purchaser of the real character of the article, provided the coloring matter or ingredient used in coloring same is harmless, not poisonous and not deleterious to health.

Oleomargarine
may be manufac-
tured.

§ 2. All acts or parts of acts, in conflict with this, are to the extent of such conflict, hereby repealed.

Approved March 25, 1910.

CHAPTER 98.

AN ACT for the benefit of the Kentucky Institution for the Education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the use and benefit of the Kentucky Institution for the Education of the Blind.

§ 2. Said sum to be expended by the Board of Visitors of said Institution in the following manner, viz: For money advanced by American National Bank to meet insurance and other extraordinary expenses, four thousand dollars; for improving and extending teaching facilities, five thousand dollars; for repairs and fencing, five thousand dollars; for installing electricity, three thousand dollars; for

Retaining
walls \$5000.00
and addition to
Colored Depart-
ment, \$18000.00
disapproved.

building retaining walls to preserve the property of the State endangered by cut on Haldeman Avenue, five thousand dollars; for new wings for Colored Department, eighteen thousand dollars.

Warrants
when to issue.

§ 3. And the Auditor is hereby authorized and directed, on application of the President of said Board of Visitors, to issue his warrants on the Treasury for the same, in favor of the Treasurer of the Board of Visitors of said Institution for the Blind, one-fourth payable in six months, one-fourth in twelve months, one-fourth in eighteen months, one-fourth in twenty-four months, on and after the date of this act becoming a law.

Approved March 25, 1910, except as to following which were disapproved: "For retaining walls \$5,000.00; for addition to Colored Department Building \$18,000.00."

CHAPTER 99.

AN ACT for the benefit of the Kentucky School for the Deaf.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated out of the general revenue of the State, not otherwise appropriated, for the benefit of the Kentucky School for the Deaf at Danville, Kentucky, the following named sums for the specific purposes named and set out herein as follows:

Appropriation

1. For the erection of two fire escapes on the dormitory buildings of the primary department four hundred dollars.
2. To build an addition to the shops of the manual training department, five thousand one hundred dollars.
3. To enlarge the laundry building and for coal cellar under same, fifteen hundred dollars.

4. For re-setting two steam boilers of the heating plant and building new foundations under same, eight hundred dollars.

5. To employ a teacher for the deaf-blind, for which class of children no provision has hitherto been made by the Commonwealth, six hundred dollars annually.

6. For one thousand feet of concrete curb and extra width gutter on Third street, seven hundred and fifty dollars.

Disapproved.

7. To purchase a certain body of land with improvements bounded on the East, North and South by the grounds of the Kentucky School for the Deaf, and lying within two hundred feet of one of the main buildings, the sum of eleven thousand dollars or so much thereof as may be necessary to obtain title to same is hereby appropriated.

Disapproved.

8. For two fire escapes on the building of the School for the Colored Deaf, four hundred dollars.

§ 2. Whereas some difficulty has arisen in construing various acts appropriating funds for the benefit of the schools for the white and colored deaf, therefore the school for the white deaf and the school for the colored deaf shall be maintained and operated as separate and distinct institutions but under one and the same Board of Commissioners and under one Superintendent as already provided by law, but the funds of the two schools shall be kept separate and apart, and shall be expended in like manner. The school for the white deaf shall be entitled to all appropriations hitherto made or that shall hereafter be made for the benefit of the Kentucky School for the Deaf unless said appropriation be designated as being for the benefit of the school for the colored deaf, and it shall be understood that the said school for the colored deaf shall be entitled only to such appropriations as have been or shall hereafter be made under any act or acts in which the word "colored" is used to distinguish said school from that of the white deaf.

Warrants; to
whom issued.

§ 3. The money hereby appropriated shall be drawn on the demand or application of the Board of Commissioners of said schools, and upon said demand or application duly signed by the President, Treasurer, and Secretary of said Board, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants on the Treasurer of the State in favor of the Treasurer of said school for any sum or sums not exceeding the amounts hereby appropriated; and no part of said money shall be expended by said Board, except for the purposes as above set forth.

Commission-
ers to make item-
ized statement.

§ 4. The Board of Commissioners of said schools shall through its Treasurer, within three months after completing the improvements herein provided for, make an itemized statement showing each and every item of expenditure made by such Board under the provision of this act, which statement shall be duly verified under oath by the President, Secretary, and Treasurer of said Board, and shall be filed with the Auditor of Public Accounts together with all vouchers covering all expenditures; and said Treasurer shall pay back into the treasury of the State any unexpended balance of the appropriation herein made which may remain in his hands.

Emergency.

§ 5. Because of the urgent need of the improvements herein provided for, an emergency is declared to exist, and this act shall take effect from and after its approval by the Governor.

Approved March 25, 1910, except that items \$11,000.00, Section 7; and \$750.00, Section 6 are disapproved.

CHAPTER 100.

AN ACT to appropriate money to pay the deficit occasioned by the Houses of Reform, one for the boys and one for the girls; to pay for the erection of Cottage B No. 2 at said Houses heretofore erected; to provide for the acquisition of additional grounds, and water and transportation facilities, and otherwise extending, improving and better equipping said institutions, and empowering the Board of Penitentiary Commissioners to carry out the same, and appropriating money to pay therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whereas, the per capita allowance for the maintenance of the Houses of Reform and the salary appropriation provided for the Houses of Reform are insufficient to meet the current expenses of the same; and

Preamble.

Whereas, a deficit has been created by reason of the inadequate provisions made for the maintenance of said Houses of Reform, and

Whereas, owing to the increased population and consequent congestion in the said Institutions and the demands for the admission of children confined in the jails of the State awaiting admission to the said institutions, an emergency existed and it became necessary for the Board of Penitentiary Commissioners under authority of the Governor, to erect at said Houses of Reform an additional dormitory known as "Dormitory B No. 2," at a cost of \$20,838.30, for which the contractor agreed to accept the notes of the Commonwealth of Kentucky by its Board of Penitentiary Commissioners for the respective estimates of the architect as certified to said Commissioners during the progress of the building, and which notes were to bear interest at

the rate of 6 per cent per annum; and whereas said building has been erected and the State is in possession of and using the same in housing the inmates of said Institutions; and

Whereas, the increasing population of the Houses of Reform necessitates the erection of additional buildings, improvements and equipments to carry out the purposes for which said houses were established; therefore,

Appropriation
to pay existing
debt, \$20,838.30.

§ 1. That the sum of \$20,838.30, together with such interest as may accrue upon the notes executed therefor up to the time of the payment thereof, be, and the same is, hereby appropriated out of the revenues of the Commonwealth of Kentucky, to be expended by the Board of Penitentiary Commissioners in discharging the liability incurred in the erection of cottage "B No. 2" at the Houses of Reform at Greendale, Kentucky. The Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky in favor of the Houses of Reform for said amount upon the application of the Board of Penitentiary Commissioners.

Appropriation
to meet deficit,
\$38,928.84.

§ 2. There is hereby appropriated out of the revenue of the Commonwealth of Kentucky, the sum of \$38,928.84, or so much thereof as may be necessary, to pay the deficit incurred in the maintenance of the Houses of Reform for the years 1908 and 1909, and the Auditor of Public Accounts shall draw his warrant upon the Treasurer for the same in such amounts and payable to such persons as may be entitled to receive the same, upon the certification of the Board of Penitentiary Commissioners through its Chairman.

Disapproved.

§ 3. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$10,000, or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in the erection of cottage dormitory for white girls on the grounds of the Houses of Reform

at Greendale, Kentucky, for the occupancy of the inmates of the said Institutions.

§ 4. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$500, or so much thereof as may be necessary to be expended by the Board of Penitentiary Commissioners in the erection of a front fence on the premises of the Houses of Reform at Greendale, Kentucky.

Disapproved.

§ 5. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$5,000.00, or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in the erection of a building upon the grounds of the Houses of Reform at Greendale, Kentucky, to be used as a laundry, sewing room, etc., for white girls.

Disapproved.

§ 6. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$1,000.00, or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in providing a boiler and setting for the power house at the Houses of Reform, at Greendale, Kentucky.

\$1,100.00 appropriated for boiler etc.

§ 7. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$1,500.00, or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners in procuring proper fire escapes and attaching same to the dormitories and other buildings occupied and used by the various inmates of the Houses of Reform at Greendale, Kentucky.

\$1,500.00 appropriated for fire escapes.

§ 8. There is hereby appropriated out of the revenues of the Commonwealth of Kentucky, the sum of \$5,000.00, or so much thereof as may be necessary, to be expended by the Board of Penitentiary Commissioners, for purchasing supplies for, and providing, laying and connecting a pipe line for the Houses of Reform at Greendale, Kentucky, to connect with the water mains of any water works com-

\$5000.00 appropriated for laying pipe line.

Right to Con-
demn property
given.

pany that can furnish a water supply to the said Institution, and in the establishment of said pipe line and connections, the said Board of Penitentiary Commissioners is empowered to contract for and acquire on behalf of the State such rights of way and licenses as may be necessary to permit it to lay, construct and maintain the same, over, through and under any property that may intervene between the Houses of Reform and the point of connection with the mains from which said water supply is to be obtained; and if unable to agree with it the owner or owners as to the value or price of the right of way over any property necessary to be traversed by said pipe line in establishing said connections, it may and is hereby given the authority to condemn the same to the uses herein provided in such manner and by such proceedings as are now provided for the condemnation of lands for railroads, and other public purposes; said proceedings to be in the name of the Commonwealth of Kentucky by the Board of Penitentiary Commissioners against the owner or owners. The Auditor of Public Accounts shall, upon the certification of the Board of Penitentiary Commissioners through its chairman, of the costs of any such right of way or privilege, whether acquired by condemnation or contract, draw his warrant upon the Treasurer in the amount and payable to the person entitled to receive the same as certified by said Board. The title to any property acquired hereunder shall be taken to the said Board of Penitentiary Commissioners and new successors for the use and benefit of the Houses of Reform.

Contracts; how
to be let.

§ 9. In the erection of the buildings and the purchase of the supplies, and the construction of the equipments in this act provided for the Board of Penitentiary Commissioners shall let the contract for the same, after due advertisement, upon public competitive bidding, to the lowest and best bidder for the contract or contracts so let. And in the erection of said buildings, and making of said im-

provements it shall be its duty, and it is authorized, to make the same under the supervision of a competent architect or engineer, as the respective contracts may require, to be employed by said Board, and whose compensation may be agreed upon by it at the usual rate or per cent applying in such cases; the fees or compensation of such architect to be paid for by the State, in addition to the appropriation herein provided, and upon certification thereof by the Board of Penitentiary Commissioners through its chairman.

§ 10. Upon the certification of the Board of Penitentiary Commissioners the Auditor of Public Accounts shall draw his warrant upon the Treasurer at such times in such amounts and payable to such persons as may be entitled to receive same for any part or parts or the whole of any of the appropriations herein made; provided that if the funds herein appropriated and authorized to be expended are not available when and as required for the payment of any of the improvements herein provided for, then the said Board of Penitentiary Commissioners may contract for the payment therefor in interest bearing warrants of the Commonwealth of Kentucky, in which event it shall be the duty of the Auditor to issue to the person or persons entitled to such funds, warrants of the Commonwealth of Kentucky, bearing interest from the date thereof until paid not to exceed 5 per cent per annum.

Interest bearing warrants may be issued.

§ 11. If any section of this act shall be held to be invalid such fact shall not affect any other section hereof, it being the intention of the General Assembly in enacting this act to enact each section separately. And if any proviso or exception contained in any section shall be held to be invalid such fact shall not affect the remaining portion of said section; it being the intention of the General Assembly to enact each section of this act and each proviso and exception thereof separately.

Sections enacted separately.

Approved March 25, 1910, excepting \$10,000.00 for Dormitory; \$500.00 for front fence; \$5,000.00 for Laundry, Sewing room, etc., which were disapproved.

CHAPTER 101.

AN ACT appropriating money to refund interest paid on Auditor's warrants issued to the three State Asylums and Kentucky Institution for Feeble-Minded Children; to pay indebtedness incurred in the erection and equipment of power plant at the Kentucky Institution for Feeble-Minded Children; and for the construction of an adequate water system at the Central Kentucky Asylum for the Insane.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Various
amounts appro-
priated to refund
interest paid.

§ 1. Whereas, it has become necessary for the Kentucky State Board of Control for Charitable Institutions, from time to time, during the years of 1908 and 1909, to make arrangements with certain banks of the State to cash State warrants outstanding in favor of the four institutions under the supervision of said Board, and to pay interest thereon at the rate of five per cent per annum, and, whereas, said contract and arrangement on the part of said Board has resulted in much savings to the State in the purchase of supplies, in that it invited and resulted in sharper competition and lower prices than could possibly have been made on a credit basis, and, whereas, said contract and arrangement has resulted in the payment of interest as follows, to-wit: Central Kentucky Asylum for the Insane to the Third National Bank of Louisville, Kentucky, \$2,248.07; Western Kentucky Asylum for the Insane to the Commercial & Savings Bank of Hopkinsville, Kentucky, \$1,899.33; Eastern Kentucky Asylum for the Insane to the Lexington City National Bank of Lexington, Kentucky, \$1,594.30; and Kentucky Institution for Feeble-minded Children to the State National Bank of Frankfort, Kentucky, \$265.38;

making a total amount of six thousand and seven dollars and eight cents (\$6,007.08) interest paid by all of said institutions. Therefore, there is hereby appropriated out of the general revenues of the State, for the use and benefit of the Central Kentucky Asylum for the Insane at Lakeland, Kentucky, the sum of two thousand two hundred and forty-eight dollars and seven cents (\$2,248.07); for the use and benefit of the Western Kentucky Asylum for the Insane at Hopkinsville, Kentucky, the sum of one thousand eight hundred and ninety-nine dollars and thirty-three cents (\$1,899.33); for the use and benefit of the Eastern Kentucky Asylum for the insane at Lexington, Kentucky, the sum of one thousand five hundred and ninety-four dollars and thirty cents (\$1,594.30); for the use and benefit of the Kentucky Institution for Feeble-minded Children at Frankfort, Kentucky, the sum of two hundred and forty-six dollars and seventy-two cents (\$246.72); for the purpose of refunding to said institutions said interest, and for no other purpose.

§ 2. Whereas, out of appropriations made at the Legislative sessions of the years 1906 and 1908 there was erected a new dormitory at the Kentucky Institution for Feeble-minded Children, with a capacity of over two hundred inmates requiring a large increase of heating power, and also because of the old and dilapidated condition of the existing heating plant, which was totally inadequate for the then health and warmth of the inmates, it became absolutely essential, to meet an immediate crisis, to construct a new power plant, with heating apparatus of sufficient power to warm the old and new building, and the Kentucky State Board of Control for Charitable Institutions was compelled on account of the near approach of winter, to contract for and erect said power plant, incurring a liability of about twenty-five thousand (\$25,000.00) dollars, and forcing said Board to borrow money to pay for said improvement. Therefore, there is hereby appropriated out

Appropriation
to pay \$25,000.00
debt.

of the general revenues of the State the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as is necessary, for the purpose of paying said indebtedness incurred in the erection and equipment of said power plant, and for no other purpose.

\$65,000.00 for
water supply at
Lakeland.

§ 3. Whereas, there is now at the Central Kentucky Asylum for the Insane, at Lakeland, no sufficient water supply, thus exposing, as it does, some fourteen hundred insane people to the ravages of fire, and, whereas, it appears that all possible sources of water supply for said institution have been eliminated by unsuccessful trial, except a connection and contract with the Louisville Water Company, and, whereas, it appears from actual survey and careful calculation, that the distance from said Louisville Water Company's plant to said asylum is 40,400 feet; that the estimated cost of laying an eight-inch cast iron pipe said distance, is \$50,000.00, and, whereas, it will be necessary, in order to obtain sufficient fall to construct a basin, erect a stand pipe, and install certain pumps and connections to deliver the water to said asylum, the estimated cost of which is \$15,000.00, therefore, there is hereby appropriated out of the general revenues of the State, for the use and benefit of the Central Kentucky Asylum for the Insane at Lakeland, Kentucky, the sum of sixty-five thousand (\$65,000.00) dollars, to be expended in the laying of such pipe line, construction of water basins, installation of pumps and other apparatus for the completion of an adequate water supply system for said asylum, and for no other purpose.

How money to
be paid.

§ 4. The money hereby appropriated shall be drawn on draft of the Kentucky State Board of Control for Charitable Institutions, and upon such draft, or drafts, not exceeding in the aggregate the sum aforesaid, being made upon him, the Auditor of Public Accounts shall draw his warrant or warrants upon the Treasurer of this State in favor of the contractors who shall do the work for any sum

or sums of money, not exceeding the amount hereby appropriated to said institution.

§ 5. The president of the Kentucky State Board of Control for Charitable Institutions shall advertise for bids for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of said water system as contemplated in this act, except such labor and material, if any, as may be furnished by the employes or patients of said institution, and all such bids shall be opened in the presence of the Kentucky State Board of Control for Charitable Institutions, and shall be the duty of the latter to accept such bid, or bids, as it may deem the lowest and best, and if, in its judgment all or any of such bids shall be unsatisfactory, said Board of Control may reject any and all such bids, and re-advertise for others in the same manner, and so on until it shall be satisfied with such bids and tenders, and when contracts for furnishing all labor and materials of every kind and description necessary for the construction, erection and completion of said water system shall have been made in accord with said bids, made and entered into, the Board of Control shall retain from the contract price thereof an amount sufficient to secure the faithful and complete performance of any and all such contracts and shall not pay the money so retained nor any part thereof, until such contract or contracts have been fully and faithfully performed and the work accepted and approved by the Kentucky State Board of Control for Charitable Institutions.

Contracts to be
let after advertisement and
bids.

§ 6. All contractors under this act shall be required to give bond, approved by the Kentucky State Board of Control for Charitable Institutions, for the faithful performance of their duty, and said Board shall not pay, or cause to be paid, any part of the money appropriated by this act, to any contractor or other person or persons employed in the construction, erection or furnishing materials for

Contractors to
give bond.

Money: how
paid out by
Boards.

the construction of said water system authorized by this act, until such contractor or contractors or other persons aforesaid shall deliver to said Board an itemized statement and account of all materials so furnished, all labor performed for which payment may be requested or demanded, which said itemized statement or account shall be approved and endorsed by the superintendent of the institution at which said improvements are made and is approved by the Kentucky State Board of Control for Charitable Institutions, the president and secretary of said Board of Control shall note the said facts in the form of a certificate and the same shall be paid as other accounts or bills or claims against said institutions are paid by order of the Kentucky State Board of Control for Charitable Institutions thereof; but the money hereby appropriated shall be kept separate and accounted for in separate and distinct statements and accounts of disbursements.

Approved March 24, 1910.

CHAPTER 102.

AN ACT to provide for the investment of the capital stock and accumulations of insurance companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

What Capital
Stock may be in-
vested in.

§ 1. That Section 625 of the Kentucky Statutes, relating to the investment of capital stock and accumulations of insurance companies, be, and it is hereby, amended so as to read as follows, to-wit:

§ 625. INVESTMENT OF CAPITAL STOCK AND ACCUMULATIONS. The capital stock and accumulations of all insurance corporations may be invested in bonds and mortgages, lien notes or deeds of trust on unencumbered real estate, worth fifty per cent

more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company, and continued in force so long as the loan continues, and also in the bonds of this State and of other States of the United States, and in the bonds of railroads of States, and, also, in the bonds of any county, city, town, township or school district, of this State or other States of the United States, authorized to be issued by the Legislature thereof, and also in the stocks of incorporated State banks and trust companies and of National banks of this State and other States of the United States, and of incorporated insurance companies of this State and other States of the United States, and in the bonds of railroads of this State and other States of the United States, and in the bonds or stocks of any bridge, water, street railroad, traction, gas or electric corporations of this State, or of other States of the United States, which shall have a market value of not more than twenty per cent below par, and to lend the same, or any part thereof, on the security of such bonds and stocks, or of bonds and mortgages and deeds of trust as aforesaid, or upon the security of their own policies; and to change and reinvest the same as occasion may from time to time require; and in all investments made upon mortgage securities the evidence of the debt and the value of the property shall accompany the mortgage. No insurance company shall own more than one-third of the capital of any bank, nor invest in, nor loan on, the stocks and bonds, both included, of any one railroad company, more than one-seventh of its capital stock and accumulated funds, nor in the aggregate shall the investment in and loan on all railroad property exceed one-half of its capital and accumulated funds, nor invest in nor loan on the stocks and bonds, both included, of any one street railroad or traction corporation more than one-seventh of its own capital stock and accumulated funds, nor in the aggregate

Securities may
be changed and
reinvested.

Amount of certain kinds of securities.

shall the investment in and loan on all street railroad and traction property exceed one-half of its capital and accumulated funds, nor shall the loans on mortgage of real estate, exclusive of lien notes exceed three-fourths of the capital and accumulated funds of any company organized under the laws of this Commonwealth.

Insurance companies, chartered by this State, and now doing business, shall not be compelled to change any investment heretofore legally made.

Neither approved nor disapproved by the Governor.

CHAPTER 103.

AN ACT to amend an act, entitled "An act for the Creation and Regulation of Private Corporations," being an act relating to the subject of insurance, and the transaction of the business of life or casualty insurance, or both life and casualty insurance upon the co-operative or assessment plan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 124, and Section 143, Subdivision 3, of an act, entitled "An act for the creation and regulation of private corporations" (which became a law April 5, 1893), being identical with and fully embraced by Section 661, and Section 680, Subdivision (3), Chapter 32, Kentucky Statutes of 1903, respectively, and the same are hereby amended as follows:

Ky. Stats. Sec.
661 amended.

Section 124 of said act, and Section 661, Kentucky Statutes, are amended by striking therefrom the words "two per centum" and inserting in lieu thereof "five per centum," and by striking therefrom the words "to be held in trust for the beneficiaries," and inserting in lieu thereof the words "to be invested in securities in which insurance companies are allowed by law to invest their capital, and deposited

with the Treasurer of the Commonwealth in trust for the beneficiaries," so that the same shall read as follows when amended:

Upon filing in the office of the Commissioner the articles of incorporation required, together with the sworn statement by three of said incorporators that at least two hundred persons, eligible under the proposed laws of such corporation, association or society to membership, therein, have in good faith made application in writing, for membership, the same shall be referred to and examined by the Attorney-General, and if found by him to be conformable to the requirements of this law, and not inconsistent with the laws of the State, he shall certify accordingly and return the same, and, with his certificate of such conformity, to said Commissioner, who shall cause the said articles, with the certificate of the Attorney-General, to be recorded in a book to be kept for the purpose, and shall deliver to such corporation, association or society a certified copy of the papers so filed and recorded in his office, and a certificate of the said Attorney-General, together with the license of said Commissioner to such corporation, association or society, to engage in the business proposed in said declaration; and upon such certified copy and license being filed in the office of the clerk of the county where the association is to be located, the said incorporators, and those that may thereafter become associated with them, or their successors, shall be constituted a body politic and corporate, and lawfully entitled to commence its business when at least two hundred persons have subscribed, in writing, to be insured therein in the aggregate amount of at least two hundred thousand dollars, and have each paid in five per centum on the amount of (insurance) severally subscribed for, in cash, to be invested in securities in which insurance companies are allowed by law to invest their capital, and deposited with the Treasurer of the Commonwealth in trust for the bene-

Attorney General to certify.

How Certificate obtained.

ficiaries; and the emergency fund has been deposited as hereinafter provided; and the Commissioner of Insurance shall have certified that it has complied with the provisions of this law, and is authorized to transact business.

Ky. Stats. Sec.
680 amended.

§ 2. Section 143 of said act, and Section 680, Kentucky Statutes, are amended by striking therefrom the words "good securities amounting to not less than the amount of the maximum certificate or policy issued by it" and inserting in lieu thereof the words "good securities, in which insurance companies are allowed by law to invest their capital, amounting to not less than ten thousand dollars;" so that the same shall read as follows when amended:

Any corporation organized under the laws of any other State of the United States, for the purpose of furnishing life or accident insurance upon the assessment plan, or carrying on the business of life or accident insurance upon the assessment or co-operative plan, shall receive from the Commissioner of Insurance of this State a certificate that it has complied with the provisions of the law, and is authorized to do business in this State whenever such corporation shall deposit with him a certified copy of its charter or articles of incorporation; a copy of its statement of business for the year ending the 31st day of the next preceding December, sworn to by the president and secretary, or like officers thereof, setting forth the number and amount of certificates of membership or policies in force, and a detailed account of its expenditures, income, assets and liabilities; and also a certificate sworn to by the president and secretary, or like officers thereof, setting forth that it has paid, and has the ability to pay, its certificates or policies to the full limit named therein; that its certificates or policies are payable only to beneficiaries having a legal interest in the life of the member or insured; that an ordinary assessment upon its members is sufficient to pay its

maximum certificate of membership or policy theretofore issued, if any, or thereafter to be issued to residents of this State, to the full amount or limit therein named; a certificate from the Insurance Commissioner, or other like officer charged with the duty of executing or enforcing the execution of the insurance laws of its own State, certifying that it is legally entitled to do business in its home State; and that he holds on deposit, for the benefit of policyholders of such company, good securities, in which insurance companies are allowed by law to invest their capital, amounting to not less than ten thousand dollars; but any company not having such deposit in the State where it was organized, may make such deposit in this State in the manner and subject to the provisions of this sub-division applicable to companies organized under the laws of this State. A copy of the application for membership or insurance, and of each form thereof, if more than one form is used; a copy of the form of certificate of membership or policy and of each form thereof, if more than one form is used, a copy of the constitution and by-laws, and of each and every addition thereof, which must show that all indemnities to beneficiaries are in the main provided for by assessments upon all surviving members. The certificate of authority herein authorized may be withheld from any such corporation or association, whenever it may appear to the satisfaction of the Commissioner that the affairs and business of such corporation or association is in an unsound condition, or its business not carried on within the limits and restrictions of its organic law, or that any of the terms, conditions or by-laws have been or are being violated, or that said corporation shall refuse to permit a full examination of its affairs to be made when deemed necessary by the Commissioner.

Securities;
what Company
may invest in.

§ 3. The provisions of the foregoing sections as amended shall not apply to fraternal orders or societies, and shall only apply to corporations, asso-

Exceptions to provisions.

ciations and societies organized under the laws of this State, and to foreign corporations, associations and societies coming into this State for the purpose of doing the business of life or casualty insurance, or both life and casualty insurance upon the co-operative plan.

§ 4. All laws which are in conflict with this act are hereby repealed.

Neither approved nor disapproved by the Governor.

CHAPTER 104.

AN ACT regarding libel and civil proceedings thereunder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any civil action for libel, charging the publication of an erroneous statement, alleged to be libelous, it shall be relevant and competent evidence for either party to prove the fact that the plaintiff requested retraction or omitted to request retraction.

Measure of damages in actions for libel.

The defendant may also allege and give proof that the matter alleged to have been published, and to be libelous, was published without malice, and that the defendant in the next regular issue of the newspaper or publication, after receiving demand in writing or within seven days if no such demand is made to correct and to retract said statement, or in the next regular issue of the newspaper or publication did publish a sufficient correction, retraction, explanation or rectification, as conspicuously and publicly as that in which said alleged libelous statement was published in the same type and in the same place in at least two successive issues of the same periodical publication accompanied by editorials in which the alleged slander is specifically repudiated.

Upon proof of such facts, the plaintiff shall not be entitled to punitive damages; and the defendant shall be liable only to pay actual damages. And upon the publication of such correction, retraction, explanation or rectification, the defendant may plead same in mitigation of damages.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Neither approved nor disapproved by the Governor.

CHAPTER 105.

AN ACT to amend an act, entitled, "An act to create the Thirty-third Judicial District of Kentucky and to change the twenty-sixth, twenty-seventh and twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for holding courts in said twenty-sixth, twenty-seventh and twenty-eighth and thirty-third Districts, and to provide for Judges and Commonwealth's Attorneys for same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to create the Thirty-third Judicial District of Kentucky, and to change the Twenty-sixth, Twenty-seventh and Twenty-eighth Circuit Court Judicial Districts of Kentucky, and to provide for the holding of courts in the said Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-third Districts, and to provide for Judges and Commonwealth's Attorneys for same", which was approved on the 21st day of February, 1906, and became a law and went into effect on the first day of July, 1906, be amended by striking from Section 3 of said act all of the ninth, tenth, eleventh and twelfth grammatical paragraphs, which paragraphs fix the time for holding the courts in the Twenty-eighth District, and inserting in lieu thereof the following:

Time of holding Court in the 28th District changed.

TWENTY-EIGHTH DISTRICT.—Clinton County, at Albany, first Monday in December, and continue twelve juridical days; second Monday in April, and continue twelve juridical days; fourth Monday in June, and continue twelve juridical days.

Wayne County, at Monticello, second Monday in November, and continue eighteen juridical days; third Monday in March, and continue twenty-four juridical days; first Monday in June, and continue eighteen juridical days.

Pulaski County, at Somerset, second Monday in September, and continue thirty-six juridical days; first Monday in February and continue thirty-six juridical days; first Monday in May, and continue twenty-four juridical days.

Rockcastle County, at Mt. Vernon, third Monday in August, and continue eighteen juridical days; first Monday in January, and continue twenty-four juridical days; fourth Monday in April and continue twelve juridical days.

§ 2. This act shall take effect and be in force from and after the first day of August, 1910.

Neither approved nor disapproved by the Governor.

CHAPTER 106.

AN ACT to amend and re-enact Sections 12 and 14 of Article 4, and Sections 10 and 14 of Article 8 of an act entitled, "An Act for the Government of Cities of the Second class in the Commonwealth of Kentucky," approved March 19, 1894, being sections 3069, 3071, 3183 and 3187 respectively of the Kentucky Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ky Stat. 3069
amended

§ 1. That Section 12 of Article 4 of an act entitled, "An act for the government of cities of the Second Class in the Commonwealth of Kentucky,"

approved March 19, 1894, being Section 3069 of the Kentucky Statutes, be, and the same is, amended and re-enacted as follows:

§ 12. The general council shall not expend any money in excess of the amount annually levied, collected or appropriated for any special object. Provided: If, in any year, the general council shall deem it necessary to incur any indebtedness, the payment of which cannot be met without exceeding the income and revenue provided for the city for that particular year, it shall, by ordinance, order an election by the qualified electors of the city to be held, to determine whether such indebtedness shall be incurred. Such ordinance shall specify the amount of indebtedness proposed to be incurred, the purpose or purposes of the same, and the amount of money necessary to be raised annually by taxation for an interest and sinking fund, as herein provided. Such ordinance shall be published for at least two weeks just preceding the election in the official newspaper in and for such city, or by posting written or printed copies thereof at three or more public places in such city, if there be no such official newspaper. Upon filing by the city of a certified copy of an ordinance ordering such an election with the county clerk of the county in which such city is located, thirty days prior to any regular election, it shall be the duty of the county clerk to cause to be printed upon the ballots, to be used in the city precincts of such county at such election, the question of the issuance of bonds by said city as proposed by such ordinance. The expenses thereof shall be paid as other election expenses are paid. The election shall be held in the manner provided by general law for submitting public measures to a vote of the people, and shall be held at the same time and place, and in the same manner, and by the same officers as the regular election of that year. The votes on said question shall be canvassed and certified by the election officers in the same manner as votes cast

Sinking fund
may be created.

Election; how
held.

Votes to be
canvassed.

in the regular election. It shall be the duty of the County Board of election commissioners to canvass the returns of the election on said question, and certify the result thereof at the same time and in the same manner as the returns of the regular election.

General Coun-
cil to pass ordi-
nance.

If, upon a canvass of the votes cast at such election, it appears that two-thirds of all the qualified voters of said city, voting on said question, shall have voted in favor of incurring such indebtedness, the general council may incur such indebtedness and issue bonds of the city in evidence thereof, and it shall be the duty of the general council to pass an ordinance providing for the mode of creating such indebtedness and of paying the same. But such indebtedness shall not, in any event, exceed the limit provided in the Constitution for cities of the second class. In such ordinances provision shall be made for the levy and collection of an annual tax upon all real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due; and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than forty years from the time of contracting the same. It shall be the duty of the general council in each year thereafter, at the time at which other taxes are levied and collected, to levy and collect a tax sufficient for such purpose, in addition to the taxes by this chapter authorized to be levied. Such tax, when collected, shall be kept in the treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness. Any member of the general council who shall knowingly vote for any appropriation of money, or for the making of any contract in violation of this act, or any officer of the city, who shall knowingly do any act to impose upon the city any pecuniary liability in excess of the authority in this act limited, shall be guilty of a misdemeanor, and, upon conviction, be punished by a fine of not less than one

Penalty for
making con-
tract in violation
of this Act.

hundred nor more than one thousand dollars, or imprisonment in the county jail not less than one month nor more than one year, or by both such fine and imprisonment.

§ 2. That Section 14 of Article 4 of said act, being Section 3071 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Ky. Stats. Sec.
3071 amended.

§ 14. Within the first month of each fiscal year the general council shall, by ordinance, as near as practicable, make all necessary apportionments of the revenue to be raised for such year for the expense of the several departments and for all public works, under proper headings, and for such other objects as it may be necessary to provide for. All ordinances that contemplate the appropriation of any money shall upon their second reading be referred to the appropriate committee of the Board in which such ordinances are introduced, who shall obtain the endorsement thereon of the auditor to the effect that sufficient unappropriated means stand to the credit of the fund or revenue account therein mentioned to meet the requirements of such ordinances, and that the same is in the treasury, or it shall not be lawful to pass the said ordinance. The general council shall have power to borrow money on the credit of the city in anticipation of revenue from general taxes, for the fiscal half year in which the same is borrowed, and pledge any of the property of the city except school property, or pledge any part of the anticipated taxes of the city for the payment of the principal and interest of such loan: Provided, that the interest paid shall in no case exceed six per centum per annum. The bonded and floating debt of the city at the time of the passage of this act, which has been authorized by contract or general law, shall remain unimpaired, and the general council may issue renewal bonds or funding bonds, bearing not exceeding six per centum per annum interest, in payment of such bonded or floating debt: Provided, that the issual of said renewal

Council to
make apportion-
ment of revenue

Council may
borrow money.

Rate of interest to be paid.

and funding bonds shall not exceed the principal of said bonded and floating debt, and said renewal and funding bonds shall not be sold for less than par and accrued interest.

Ky. Stats. Sec. 3183 amended.

§ 3. That Section 10 of Article 8 of said act, being Section 3183 of the Kentucky Statutes, be, and the same is, amended to read as follows:

Council to pass ordinance levying tax.

§ 10. In the month of March, or as soon thereafter as practicable each year, the General Council shall pass an ordinance levying and providing for the collection of an ad valorem tax on the assessed valuation of the property in said city as certified to them, which with the estimated revenue from other sources, shall be sufficient to meet the anticipated expenditures for the current year; and said ordinance shall specifically fix the rate of taxation for the estimated expenditures of each department of the city government and for such other objects and purposes as it may be necessary to provide for; and the general council shall, in said ordinance, or in subsequent ordinances, apportion all other estimated revenues to such departments, objects or purposes of the city government as it may determine. Should the general council, in any year, fail to levy an ad valorem tax before the first day of May of such year, the ad valorem tax rate of the preceding year shall become the tax rate for the year in which the general council may fail to levy such tax, and shall be deemed to have been levied for such year.

Ky. Stats. Sec. 3187 amended.

§ 4. That Section 14 of Article 8 of said act, being Section 3187 of the Kentucky Statutes, be and the same is amended and re-enacted to read as follows:

§ 14. When the treasurer shall return the tax-bills to the auditor, the auditor shall separate the personalty bills from the realty bills. The former he shall deliver to the delinquent tax-collector, taking his receipt for the same. From the latter he shall make out a list, giving block and lot numbers and total tax due, and a notice that the treasurer

will, on the first Monday in the next month, sell at the court house or city building door in the city, at public auction, to the highest bidder for cash, each of said tax bills, unless they are in the meantime paid to the treasurer. This list and notice shall be published for at least two weeks in the city's official paper. The auditor will then return the realty bills to the treasurer, who will, on said day, offer for sale, as advertised, such bills as may remain in his hands unpaid. If no one will offer the face of said bills for them, he shall buy them in for the city. The owner or owners of any lot, the tax-bill on which has been so sold, shall have the privilege of redeeming the same within one year of the day of sale by paying to the treasurer the said bill, with all penalties and interest as herein provided to the day of payment. Purchasers at said sale shall not receive the tax-bills, but shall receive certificates of their purchase, on surrender of which certificate, at any time after the treasurer has been paid the bill named in the certificate, he shall receive from the treasurer the amount paid, and on surrender at the end of the year, shall receive the bill with the year's interest at six per centum per annum, and ten per centum of the sum of the bill, penalty and interest all added by the treasurer; and he may at any time thereafter, in appropriate action, enforce the lien on the property for the full amount of the bill, with legal interest from date of delivery to him. The treasurer shall make a full and complete report of said sale to the auditor. The city shall in no manner be responsible to purchasers for money received by the treasurer on bills purchased by them, but the treasurer and his official bond shall be held for the same. Tax-bills for the succeeding year against property or persons delinquent for preceding years shall be stamped, "see delinquent bills," so that attention may be called thereto; and where the city owns the delinquent bill, the treasurer shall credit the money paid first to those bills, except he will not credit money

Delinquent tax
how collected.

Penalty and
interest to be ad-
ded.

Duty of City
Solicitor

offered on a realty bill to a personalty bill. When the city shall buy in the tax bills the city solicitor shall, by proper proceedings in the name of the city in the circuit court, enforce the lien on the property for the city. Tax bills shall be prima facie evidence of the regularity of the assessments and levy of the tax, and of the addition of penalties thereto. Any purchaser of tax bills may, as soon as any tax, State, county, district or city, on the lot named in the bill becomes delinquent, pay the same, and he may in his original or in an amended petition, exhibit the same and have judgment including same. The circuit court shall have jurisdiction of proceedings to enforce lien for all taxes without regard to amount of same.

Tax bills; col-
lection of; how
enforced

(a) All tax bills which remain unpaid in whole or in part for thirty days after the same becomes due against any person owning property in his own right, shall be deemed a debt from such person to said city arising as by contract and may be enforced as such (except those against persons under disability of infancy, coverture, or unsound mind) by all remedies given for the recovery of debt in any court of this Commonwealth otherwise competent for that purpose and those bills assessed against an administrator, executor or trustee shall be a charge against the whole succession of trust estates and may be in either case enforced accordingly.

Assessment of
omitted proper-
ty.

Where any property, subject to taxation, has been omitted from assessment for any year or years, the city may, by direct action, brought in the name of the city by its city solicitor, city attorney or other duly authorized agent, in any court otherwise competent for the purpose, recover judgment against the person liable for the payment of taxes on such property (except persons under disability of infancy, coverture or unsound mind) for such amount as the taxes to the city on such property, with interest and penalty thereon, would be for such year or years, if the property had been assessed at its

assessable value for such year or years, and the costs of the action. The judgment shall, from the time of its rendition, constitute a lien on the property and collection thereof may be enforced by sale of the property in the same manner as property is sold in satisfaction of liens created by contract. Such judgment may be collected by any means allowed by law for the collection of personal judgments.

In any such action, it shall be sufficient to allege and prove the description and value of the property; that it was subject to assessment and taxation in such city for the year or years in question, and was omitted from such assessment; that no taxes thereon had been paid to the city for such year or years, and that the person sued is the person liable for the payment of taxes on such property for such year or years. Defense may be made by showing; (1) That the property is not subject to assessment and taxation for the year or years in question; (2) That the person sued is not the owner of the property or liable for the payment of taxes thereon for such years. (3) That the taxes on such property had been paid. In all cases, the court may hear evidence and determine the assessable value of the property as of years in question.

What necessary to be proven.

In cases where the omitted property had changed ownership the action may be against the person who was the owner thereof at the time the assessment should have been made or the owner at the time of the action or both. Personal judgment may be given against the person who was the owner at the time the assessment should have been made, and a judgment in rem may be given against the property as above provided and may be enforced accordingly. When property of persons under disability is omitted from assessment, the collection of taxes thereon may be enforced by action as herein provided, except that no personal judgment shall be rendered. The

Personal Judgment may be given against prior owner.

proceedings against such person shall be as provided in the Civil Code of Practice.

Attachment
for tax bills.

(b) If the city treasurer, his deputy, or other officer, agent or collector of the city having in his hands for collection, city tax bills more than thirty days in arrears, believes another person to be indebted in money or property to the person owing such taxes, he shall deliver or cause to be delivered, to the person owing the taxes or public dues, if he can be found, and to the person so indebted to him, anywhere he may be found, written notice in substance as follows:

Form of notice.

"Mr. A. B., the city taxes due by C. D., more than thirty days in arrears, with \$----- added for the costs of this action, amount to the sum of \$-----
To that extent you are notified not to pay or deliver to him any money or property which you now owe, or may hereafter be indebted to him, and to appear before the court of ----- (County Judge or justice of the peace) of ----- county, on the first day of the next term of said court, beginning on the ----- day of ----- to show cause why you should not be adjudged to pay said taxes. This ----- day of -----, 19-----.

-----City Treasurer."

Notice; requires of.

This notice shall be signed by the treasurer, his deputy or other officer, agent or collector of the city, and shall operate to enjoin the person named in it from paying the amount mentioned in the notice, money, property, notes, accounts and other things of value, owing at the time of the service of the notice, or accruing thereafter, until the matter is heard by the court. On the hearing by the court, the debtor of the delinquent shall be compelled to disclose, in open court, all matters of account and indebtedness, whether of money, property or labor, owing at the date of the notice, or incurred thereafter. The court shall direct the said debtor to pay or deliver to the treasurer, his deputy or other

officer, agent or collector of the city, having such tax bills for collection, any money, property or other thing then, or at the time notice was served, due said delinquent, or to the extent of such taxes and costs, or to the extent of his liability, including such as accrued after notice, though paid or discharged; and, if it be property, the treasurer, his deputy, or other officer, agent or collector of the city having such tax bills for collection, shall sell the same, after advertising by hand-bills posted at the front door of the city building for ten days. If the person so indebted to the person owing taxes fail to attend, or fail to make disclosure, the court shall render judgment against them for all the taxes, and the court may compel the attendance of such person and such disclosure by him in the same manner as provided by law with reference to garnishees.

Garnishee to
give evidence.

The person owing taxes shall not be discharged from liability for them until they are fully paid, or the amount realized under the proceedings aforesaid. All persons indebted to the person owing the taxes may be included in the same notice. The proceedings shall be docketed in the name of the city and, if necessary, to the interest of the city, the court may cause other parties to be brought in before it, and made party to the proceedings.

Proceedings

The court may hear evidence, and in its judgment, shall provide for the payment of all taxes due the city with penalty, interest and costs, provided that the delinquent shall have the right to defend by showing, first, that the property has never been assessed, but it shall not be sufficient to show a defective assessment merely; second, that the property is not subject to taxation; third, that the taxes have been paid.

Defenses

(c) Each of the remedies given in this section and subsections A and B hereof are in addition to each of the other remedies given therein, and in addition to any other remedies now provided or that

may be provided for the collection of taxes in cities of the second class.

Emergency

Whereas, the cities of the second class in this State need the immediate benefits of this act in order that municipal government of such cities may be properly administered, an emergency is declared to exist for the immediate taking effect of this act, and it shall take effect from and after its passage and approval by the Governor.

Neither approved nor disapproved by the Governor.

CHAPTER 107.

AN ACT to amend and re-enact Sections 3094, 3096, 3097, 3098, 3099, 3100, 3101 and 3102, of the Kentucky Statutes, relating to the control and improvement of streets, public ways, landings, wharves, grounds and sidewalks in cities of the second class.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3094 of the Kentucky Statutes be, and the same is hereby amended and re-enacted to read as follows:

Section 3094
Ky. Stats.
amended.

§ 3094. The general council shall have and exercise exclusive control and power over the streets, roadways, sidewalks, alleys, landings, wharves, public grounds and highways of the city; to establish, open, alter, widen, extend, close, grade, pave, repave, clean and keep in repair the same; to prevent and remove all encroachments thereon or obstruction thereof; to put drains and sewers in the same, and to regulate and prohibit the building of vaults and areas under sidewalks; to enforce and regulate connection with sewer, gas and water mains and conduits of all kinds laid in or under the streets and highways of the city for any purpose. The general council may, by ordinance, prescribe certain

sprinkling districts and have the streets and avenues thereof sprinkled by the lowest and best bidder, assessing the cost thereof against the adjoining property per front foot.

Council to have
control of
Streets.

Upon the adoption of an ordinance by the general council authorizing and directing the closing of the whole or any portion of a street or alley or other public highway within the limits or jurisdiction of the city, it shall be the duty of the city solicitor to institute an action in the Circuit Court for the purpose of having the same closed, and to such action all the owners of ground in the square or lots divided by such street, alley or highway, or the portion thereof proposed to be closed, shall be made defendants; and if all such defendants are competent to act for themselves and fail to object to the closing prayed for, then the court shall render a decree accordingly; but if any of said defendants object, or are under disability other than coverture, the court shall empanel a jury, which shall hear evidence and determine the amount of compensation in the form of damages to be paid to each of such defendants. The court shall thereupon direct that said street, alley or other highway be closed upon payment to each of such defendants of the amount of damages awarded to him, or, if any defendant refuses to accept such payment, or be for any reason unable to do so, upon payment into court of the amount awarded such defendant or defendants.

City Solicitor
to institute ac-
tions to close
streets.

It shall be the duty of the court to give such proceedings the same precedence over other cases as is provided by law with regard to proceedings to test the validity of ordinances of cities of the second class.

When any parcel of ground shall have heretofore been, or shall hereafter be, laid off as a street, avenue or alley, and opened to the unrestricted use of the general public for five consecutive years, it shall be conclusively presumed to have been dedicated to the city as a public street, avenue or alley

of the city, subject, however to acceptance by the city, and the city may, at any time after the expiration of five years from the time such parcel of ground is laid off and opened to the public, pass an ordinance declaring such parcel of ground to have been so dedicated, and accepting the dedication thereof; whereupon it shall become and be a public street, avenue or alley of the city for all purposes, and the lack of an actual dedication thereof to the city, or of a record title thereto on the part of the city, shall be no defense against the collection of any tax which may be assessed and levied against property abutting thereon for the payment of the cost of any improvement constructed thereon by order of the city: Provided, that nothing herein shall be construed to require the expiration of five years to raise such presumption of dedication in any case where, under any rule of law now in force in this State, a dedication would be presumed in less than five years.

§ 2. That Section 3096 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Ordinance as to
street improve-
ment to pass
both boards.

§ 3096. The general council may, by ordinance, provide for the improvement of the streets, alleys and other public ways and sidewalks (including curbing and guttering) or parts thereof, in the manner herein set out. The improvement of any public way or sidewalk by original or reconstruction or by resurfacing upon a foundation already in place, shall be deemed an improvement within the provisions of this act, but no ordinance for the original improvement of any public street or sidewalk as contemplated in this section shall pass both Boards of the general council at the same meeting, but at least two weeks shall elapse between the passage of any such ordinance from one Board to the other. The improvement of public ways and sidewalks (including curbing and guttering) except as hereinafter provided, shall be made at the exclusive cost of the

owners of real estate abutting on such improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet, and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be due and payable at the city treasurer's office upon the completion of the work and acceptance thereof by the general council, unless otherwise provided in the ordinance ordering such improvement, and no property shall be exempt from such improvement tax. Any such tax which is not paid within thirty days after the same becomes due, shall have added thereto a penalty of ten per cent of the amount of the tax. There shall be a lien upon such lots or parcels of real estate for the part of the cost of such improvement so assessed thereon, and the same shall bear interest at the rate of six per cent per annum from the time of the assessment until paid. Any assessment for any street improvement as provided in this section which exceeds one-half of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to such excess, but the improvement shall be taken into consideration in fixing the value of such real estate, and the general council may provide for the payment of any such excess out of the general fund. When in any such city, having therein a street railway, the railway company is required by law or by its franchise, or by any contract with the city, to pave or improve any part of the streets or alleys of the city, proposed to be improved, the cost of paving such portion of such streets or alleys shall be assessed against such railway company and a tax shall be levied upon all property, assets and franchises of such company in the city for the payment thereof. Such tax shall constitute a first lien upon all the property, assets and franchises of all kinds whatsoever, of such company within the corporate limits of the city, and shall be due and payable

Cost to be apportioned.

Penalty to be added

Assessment of Street Railway Company.

Tax shall constitute a lien.

Cost of improvement of intersections.

at the same time and in the same manner, and shall bear like interest as the taxes assessed against the abutting property. Such railway company shall have the right to construct its own part of such proposed improvement, and, if it shall do so, no tax shall be assessed against such company; provided, however, that such company shall, before the letting of the contract for such improvement, elect, by written request presented to the general council, to construct its part of such improvement, and shall execute a bond to the city with good and sufficient surety, to be approved by the mayor, conditioned that it will do the work of improving such part of the street with such material and according to such plans and specifications, and within such time and subject to such provisions as the ordinance therefor may prescribe. The city shall pay the cost of the improvement of intersections with other public ways, including one-half of the width of the street or alley, being improved, opposite other streets or alleys which run into, but do not cross the street or alley so being improved, and of that proportion of any street abutting upon property belonging to the city. The city auditor shall keep in his office, in a book to be provided for that purpose, a record of all assessments of local taxes as provided in this section, showing the name and portion of the street on which the improvement is made, the character of the improvement and the names of the persons against whose property the assessments are made. Such record shall be subject to inspection by any person desiring to inspect the same, and shall be conclusive evidence of notice, to all persons, of such assessments and the liens created thereby. Upon payment of any improvement tax to the treasurer, he will report the same to the auditor, who will make proper entry thereof in the record book herein provided for, whereupon the lien for such tax shall stand released. All local taxes paid into the city treasury shall, from time to time, be paid over to

the contractor, or other person entitled thereto, upon order of the general council. The auditor shall carefully keep a separate account of the fund arising from assessments for each particular improvement, and no proceeds arising from assessment for one improvement shall be diverted to the payment for any other improvement whatever. The proceeds shall in each case constitute a separate special fund for the payment of the contractor for the particular work for which the assessment is made or for the security and payment of improvement bonds, if any are issued, as provided in Section 3102 for such improvement. The general council may provide, by ordinance, that monthly estimates be made of the amount of work done on any such improvement, and may issue to the contractor improvement warrants therefor, to the extent of 65 per cent of the estimate, bearing not exceeding six per cent per annum interest from date of issue. Such warrants shall be issued by the city treasurer upon order of the general council. They shall be negotiable, and shall constitute a lien on the local taxes levied for such improvement, and shall be payable at the office of the city treasurer, without notice to the holder thereof, upon completion and acceptance of the improvement, out of the first collection of such local taxes, or out of the proceeds of the sale of any improvement bonds issued in anticipation thereof. The interest on such improvement warrants shall be estimated and assessed as part of the cost of the improvement for which the same are issued. The general council of any city of the second class may provide by general ordinance that such city shall pay part, and if so, what part of the cost of the improvement of the streets, alleys and other public ways (excluding sidewalks), of such city. When such provision is made it shall be uniform and shall thereafter apply to the improvement of all streets, alleys and public ways in the city (excluding sidewalks), and such general provision

Local taxes to
be paid over to
Contractor.

City to pay
part of costs.

shall not thereafter be changed or repealed except at intervals of ten years or more.

§ 3. That Section 3097 of the Kentucky Statutes be and the same is, amended and re-enacted to read as follows:

§ 3097. Before the general council shall order the improvement of any street, alley, public way or sidewalk as provided in Section 3096 it shall adopt a resolution designating the street or other public way or sidewalk proposed to be improved, setting out in general terms the character and extent of the proposed improvement and declaring such improvement to be a necessity. Such resolution shall be published in one or more issues of the official newspaper of the city, at least five days before the ordinance ordering such improvement, shall pass either Board of the general council. At any time prior to the final passage of the ordinance ordering the improving, the owners of more than fifty per cent of the abutting property may file a written petition designating the material to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable, or may file a written protest against the improvement. Such petition or protest shall be filed with the mayor and he shall transmit the same to the general council at its next meeting after he receives the same. Should such petition be filed as above provided the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than that designated in the petition unless the ordinance therefor be passed by a two-thirds vote of the members elect of each Board of the general council. Should a written protest be filed against said improvement as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-thirds vote of the members-elect of each Board of the general council.

Ky. Stats. Sec.
3097 amended.

Owners may
file petition or
protest.

§ 4. That Section 3098 of the Kentucky Statutes

be, and the same is, amended and re-enacted to read as follows:

§ 3098. Subject to the provisions of the preceding section, the general council shall have full power to determine what streets, alleys, public ways and sidewalks (including curbing and guttering), or parts thereof shall be improved, the extent and character of the improvement, the kind of material or materials to be used and the necessity for the improvement, and its determination shall be final. It shall have power to let contracts for the work, provided that no such contract shall be let except upon competitive bidding to the lowest and best bidder after advertisement for at least five days in the official newspaper. It may require cash deposits or other guarantee from bidders to insure compliance with their bids and forfeiture of same to the city in the event the accepted bidder fails to comply with his bid. It may require bond of the contractor, with surety, for the performance of the work in accordance with his contract and a guarantee of the work for such time as the general council may require, and it shall have power to do all things necessary to the proper execution and carrying out of any such improvement whether specifically numerated herein or not. The general council may prescribe one kind of material to be used in the improvement of that part of any street for the cost of which any railway company may be liable and different material or materials for the improvement or the other portions of such street, and all courts will give a liberal construction to the rights and powers of the general council under this act.

The general council may, in its discretion, upon a petition of a majority of the property owners on the part of the public way proposed to be improved, grant them permission to improve said public way under the supervision of, and within such time as may be fixed by the Board of Public Works.

§ 5. That Section 3099 of the Kentucky Statutes

Ky. Stats. Sec.
3098 amended.

Bond or Cash
deposit to be re-
quired of Con-
tractor.

Owners may
make improve-
ments.

be, and the same is amended and re-enacted to read as follows:

Publication of
notices.

§ 3099. When any such improvement shall have been made and the contract therefor completed, the city engineer shall make a full and correct estimate of the total cost thereof, showing the total number of fronting or abutting feet of property, the cost per abutting foot, the names of the abutting property owners, the number of abutting feet of property owned by each person and the proportionate part of the cost of the improvement to be assessed against the property of each abutting property owner, the part payable by the city and the part payable by any street railway company, if any. One copy of this estimate shall be delivered by the city engineer to the Board of Public Works and another copy to the mayor, to be, by him, transmitted to the general council. Upon receipt of such copy from the city engineer, the Board of Public Works shall, by one insertion in the official newspaper, give at least three days' notice of the time and place fixed by it for the inspection and reception of the work, which notice shall state the cost per abutting foot of property as shown by the engineer's estimate and the amount apportioned to any railway company. At the time and place fixed in said notice the owners of property liable for the cost of the improvement, the contractor therefor, their agents and representatives, may appear and be heard before said Board as to whether the work has been done and the cost thereof estimated in accordance with the ordinance and contract therefor. The Board may adjourn such hearing and inspection from time to time, and of such adjournment all interested parties shall take notice without further publication of notice. Any protest against the acceptance of the improvement or the estimated cost thereof shall be made in writing to the Board and be transmitted by said Board to the general council, together with a written report of the Board accepting or rejecting the work ac-

cordingly as it may be of opinion that the work had or had not been done and the cost thereof estimated in accordance with the ordinances and contract therefor.

§ 6. That Section 3100 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3100. Upon receipt of the engineer's estimate and the report of the Board of Public Works, as provided in the preceding section, the general council shall carefully consider and investigate, by its committees, or otherwise, any protests which may have been filed against the acceptance of the work or the confirmation of the engineer's estimate of the cost thereof, and shall hear, or cause to be heard by its appropriate committee and reported to it in substance, any competent and proper evidence which may be offered thereon prior to the acceptance of the work and confirmation of the estimate, and the general council may then accept the work and confirm the engineer's estimate of the cost thereof, or, if it be of opinion that the work has not been done in accordance with the contract, or that the engineer's estimate of the cost is incorrect, it may require the contractor to perfect or complete the work in accordance with the contract, or it may modify the estimate of the cost of the work to conform to the facts, or both. The determination of the general council shall be conclusive and binding on all parties, and shall not be questioned or contested in any court, except on the ground of fraud or collusion on the part of the general council. Upon acceptance of the work and confirmation of the engineer's estimate of the cost thereof by the general council, it shall, by ordinance, apportion the cost of the work, less any part to be paid by the city or any railway company, equally among the owners of the abutting property on both sides of the street improved according to the number of abutting feet owned by them, respectively, provided that the

Ky. Stats. Sec.
3100 Amended.

Council to hear
reports of Com-
mittees on work.

Local tax to be levied.

entire cost of sidewalks (including curbing and guttering), shall be apportioned among the owners of the property abutting on the side of the street on which the improvement is made, each corner lot having its sidewalk intersection included in its frontage; and shall assess and levy a local tax on the several lots or parcels of abutting property at a rate per abutting foot sufficient to produce the part of the cost of the improvement apportioned to such abutting lots or parcels of property. The general council shall apportion to the city such part of the cost of the improvement as it may be liable for, and shall likewise apportion to any railway company the part of the cost for which it may be liable as provided in Section 3096, and shall assess and levy a tax upon all the property, assets and franchises of such company in the city for its part of such cost.

Lien; how and when to take effect.

The lien provided for in Section 3096 shall take effect upon the publication of the ordinance making the assessment and levying the tax and shall take precedence over all other liens, whether created prior or subsequent to the publication of such ordinances except State and county taxes, general municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale or by any mortgage or by any error or mistake in the description of the property or in the names of the owners thereof. Nor shall any error in the proceedings of the general council exempt any property from the lien for, or payment of, such taxes after the work has been done and accepted as provided in this section; but the general council or the courts in which suits are pending, shall make all corrections, rules and orders to do justice to all parties concerned; and in no event shall the city be liable for any part of the cost of such improvement except as provided in Section 3096. Such liens may be enforced, as other liens on real estate, by action brought in the name of the city or the contractor entitled thereto, and in any such action, an allega-

Liens; how enforced.

tion in substance that the improvement had been made and the work accepted pursuant to and by ordinances of the city duly passed in accordance with law, shall be a sufficient pleading of the ordinances and proceedings under which the work was done and accepted without setting out the same in full. Any number of lots or parcels of land on which any local tax or installment thereof is in default and the owners thereof be joined in one proceeding, and the court shall make all proper and necessary orders for the enforcement and collection of the tax as to the several lots or parcels of land. Where a person is the owner of two or more lots subject to such tax the court may direct that one or more of such lots be sold for the whole tax of such person, allowing such person to designate the lots to be sold first if he so desires and indicates.

City may sell
one of two or
more lots.

§ 7. That Section 3101 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

§ 3101. The general council may provide that any such improvement of the streets, alleys, public ways and sidewalks (including curbing and guttering) shall be made on the ten year payment plan; and, thereupon, when any such improvement shall have been completed and accepted and the cost thereof apportioned to, and a tax therefor levied on the property liable for the payment thereof as provided in the preceding sections, the city treasurer shall give notice by one publication in the official newspaper requiring all persons to pay the local taxes levied upon their property within thirty days from the publication of the ordinance accepting the work and assessing the cost thereof. Such local taxes may at the option of the property owners be payable in cash, without interest, within the thirty days, or in ten annual installments as herein provided. Any person who desires to exercise such privilege of payment by installment shall, before the expiration of the said thirty days, enter into

Ky. Stats. Sec.
3101 Amended.

Improvements
may be made on
ten year plan.

an agreement in writing with the city that in consideration of such privilege, he will make no objection to any illegality or irregularity with regard to the taxes against his property, and that he will pay the same in the manner herein provided with specified interest. Any property owner entering into such an agreement, or who exercises the option to pay in installments, shall be concluded thereby, and shall not be permitted to set up any defense whatever against the payment of such taxes. Such agreement shall be filed in the office of the city auditor, who shall file and retain the same as a record of his office. In all cases where such agreements have not been filed within the time limited, the entire tax shall be payable in cash without interest before the expiration of said thirty days. Any such tax not paid within said thirty days shall bear interest at the rate of six per cent per annum from the date of the publication of the ordinance assessing and levying the same. If any property, subject to such local tax be owned by an infant or person of unsound mind, the agreement herein provided for may be executed by the statutory guardian of such infant or committee or curator of such insane person with the same effect as if executed by a person free from disability.

Owners may
exercise option.

In cases where the option to pay in installments is exercised, the local tax, with interest at the rate of six per cent per annum, shall be payable as follows: One-tenth of the tax, with interest on the entire tax, at the time fixed by law for the payment of general city taxes occurring next after the expiration of the thirty days allowed for payment in cash, and annually thereafter one-tenth of the entire tax, until the whole is paid. At the end of each six months from the time the first installment of the tax becomes due, interest shall be due and payable for such six months on all unpaid installments of the tax. Provided, that any person may, at any interest paying period after the fifth

annual installment of his tax becomes due, pay the entire assessment or tax against his property with accrued interest. All installments of such special assessments and interest shall be placed upon the tax duplicate with other taxes of persons liable for such special assessments, and the tax bills for such special assessments may, in addition to the other remedies given in this act, be sold and collection thereof enforced in the manner provided by law for collection of municipal taxes. In default of payment of any installment of tax or interest for one month after the same becomes due, a penalty of ten per cent of the installment in arrears shall be added thereto, which shall constitute a like lien as the tax, and all unpaid installments of the tax shall, at the option of the city or any bondholder whose bonds or interest thereon are in default of payment, forthwith become due and payable.

It shall be the duty of the treasurer, upon order of the general council, to promptly apply all money paid in on such installments to the payment of bonds and coupons which may be issued as provided in the next section in anticipation of the collection of such local taxes. If the fund accumulated from the collection of assessments, interest and penalties for any particular improvement be more than sufficient to pay the principal and interest of the bonds issued in anticipation of such collections, the general council shall make a ratable reduction from the last installment of each person's assessment. Should there be any deficit, the general council may provide for payment of same out of the general fund. Failure on the part of the city to collect any such local tax or installment thereof, when due, shall create no liability against such city, but the person entitled to such tax, or the owner of any such bonds shall have the right to proceed in any court of competent jurisdiction to foreclose the lien for such unpaid assessments, recovering interest and costs, and may have

Treasurer to
apply money to
payment of
bonds and cou-
pons.

the proceeds of the property applied in settlement thereof.

Railway Companies may also exercise option.

Any railway company, liable for any improvement tax, shall be entitled to the privilege of paying such tax on the installment plan subject to all the provisions herein provided with reference to the exercise of such privilege by other property owners. The general council may provide that any improvement contemplated in this act may be paid for in annual installments in any number of years, not exceeding ten, in which event the ordinance ordering the improvement shall specify the number of years in which the improvement shall be paid for and all proceedings with reference thereto shall be the same as herein provided for payment on the ten-year installment plan, except that the necessary changes shall be made to conform the payments to the number of years specified by the ordinance, and corresponding changes shall be made in any bonds that may be issued with reference to such improvements as provided in the next section.

Bonds; how and where payable.

§ 8. That Section 3102 of the Kentucky Statutes be, and the same is, amended and re-enacted to read as follows:

Ky. Stats. Sec. 3102 Amended.

§ 3102. In order to provide a fund for the immediate payment of the cost of any improvement made on the installment payment plan as provided in Section 3101, the general council may issue and sell improvement bonds in anticipation of the collection of such part of the local taxes assessed and levied therefor as may not be paid within thirty days from the time of the assessment, pledging such taxes and the liens on the property for the payment of the principal and interest of such bonds, and apply the proceeds thereof, exclusively, to the payment for the particular improvement in anticipation of the assessment for which the bonds are issued. Such bonds shall bear the date of the publication of the assessing ordinance, and shall be made payable to bearer or to the purchaser thereof, as the general

council may direct. The bonds for each separate improvement shall be numbered consecutively throughout and shall be divided into ten series as nearly equal as possible, the first series including the lowest numbers and so on. The bonds with interest shall be payable at the City Treasurer's office as follows: The first series, with accrued interest on all series shall be due and payable one month after the date on which the first installment of the tax becomes due as provided in the preceding section, and the remaining series shall be due and payable one each year annually thereafter for nine years. Interest on all unpaid bonds shall be due and payable semi-annually at the end of each six months, from the time the first interest becomes due. The bonds shall be of the denomination of one hundred dollars or its multiple, provided that any odd amount over one hundred dollars or its multiple, may be included in the last bond to mature. No bond shall be issued for less than one hundred dollars unless the total amount for which bonds are issued for any particular improvement is less than one thousand dollars. All improvement bonds shall have the name of the street, alley or other public way, or part thereof, for the improvement of which they are issued, printed, engraved or written thereon, and shall state the character of the improvement. They shall bear interest at a rate not exceeding six per cent per annum from the date of the assessment of the tax, and shall have suitable coupons attached thereto evidencing the semi-annual interest. The bonds and coupons shall be signed by the mayor and countersigned by the treasurer, but the coupons may be signed by lithograph. The clerk shall attest the signatures to the bonds under seal of the city. It shall not be necessary, in such bonds, to recite the steps taken in ordering the improvement or in making the assessments, but it shall be sufficient to make a general reference to such proceedings and to this statute. Such bonds shall be negotiable as inland

Bonds to be
issued for no less
than \$100.00.

Bonds to be negotiable.

bills of exchange, and shall be free from all defenses by any property owner. Such bonds shall be exempt from all taxation, and shall not be sold for less than par and accrued interest: Provided, if no offer is made for said bonds equal to par and accrued interest, after reasonable advertisement, the city shall have the right to turn them over to the contractor in full payment of the contract price of the improvement for which they are issued. Any premium realized from the sale of such bonds and any penalties collected on delinquent installments of taxes, as in the preceding section provided, shall go into the fund for the payment of such bonds and interest thereon. Said bonds and interest thereon shall be payable exclusively out of funds actually paid to and collected by the city on account of the improvement taxes in anticipation of which the bonds are issued and except as provided in this section the city shall, in no event, be liable on any such bond except to the extent of funds actually paid to it as above set out. Any and all such bonds shall be subject to payment and redemption at any interest payment period thereon that does not occur within five years from the date thereof. Provided that the city treasurer shall give the owner of the bond proposed to be redeemed at least twenty days notice by registered letter. It shall be the duty of the owner of any bond, subject to redemption as herein provided, to notify the city auditor of his post office address and any changes therein, and the auditor will keep a record of the address opposite the number of the bond on his records. The notice herein provided for shall be directed to such address, and if no address be given, the notice shall be directed to such owner at his last known address, and the bond specified therein shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing such registered letter twenty days before the time fixed for such redemption shall be deemed a com-

Bonds and interest; how paid.

pliance herewith. After the issue of such bonds no suit shall lie to enjoin or resist the collection of any assessment or tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively stopped and precluded from in any manner assailing the effectiveness or validity thereof. Such bonds shall convey and transfer to the owners thereof all lien, right, title and interest in and to the assessments, taxes, and liens upon the respective lots and parcels of ground, including any railway property liable for said tax as hereinbefore provided for, which liens shall stand as security for such bonds and coupons until they are paid, with full power to enforce the collection thereof, if such bonds or coupons be not paid on presentation to the treasurer, by foreclosure in any court of competent jurisdiction as provided in Section 3100. If any lots or land be sold for the payment of any special tax or assessment thereon, or any installment thereof, or for any general municipal tax, such lots and lands shall not thereby be released from any other special tax or assessment, or installment thereof, existing thereon unless the same be asserted in the action in which such lots or lands are sold. In any foreclosure suit brought by the city or any bondholder as provided herein, it shall not be necessary to make the other bondholders parties, but the proceeds of the suit shall be paid into the city treasury to be applied to the redemption of matured bonds in the same manner as if the same had been paid without suit. When any such city has been authorized to incur an indebtedness for such purpose at an election by the voters thereof, held pursuant to law, either before or after the improvement in question is made, the general council may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the local taxes levied and assessed for any such improvement as provided in this act, pledging the faith and credit of

No suit to be
for injunction
after Bond issue.

Bonds constitute indebtedness of City.

the city, in addition to the assessments, taxes and liens herein provided for, for the payment of the principal and interest of such bonds. Such bonds shall constitute an indebtedness of the city, for the payment of which with interest, the city shall be liable in its corporate capacity. Such bonds shall be issued and sold in all respects as provided by law with reference to the issue and sale of bonds by the city, and the general council shall provide for the collection of an annual tax sufficient to pay the interest on such bonds and to create a sinking fund for the payment of the principal thereof within the period of time, not exceeding ten years, provided by the ordinance for the payment of the local taxes, in anticipation of which such bonds are issued. Provided that, in any year in which the collections from such local taxes are sufficient to pay the interest on such bonds and to provide the necessary sinking fund, it shall not be necessary for the city, in such year, to collect any tax for that purpose; and in any year, it shall be necessary for the city to collect only such an amount of general taxes as will be sufficient, when added to the local taxes collected for such improvement, to meet the requirements of this act. Upon payment by the city of any such bond, the city shall become the owner thereof, and be subrogated to all the rights of the bondholder with reference thereto. Thereafter, all collections of the local taxes, in anticipation of which such bond was issued, shall belong to the city.

In any city having no Board of public works, the duties of such Board prescribed by this act shall be performed by the superintendent of public works, and if there be no superintendent of public works, then by any other officer, board or committee of the general council as may be prescribed by ordinance.

§ 9. Whereas, cities of the second class in this Commonwealth are in need of the immediate benefit of this act in order that they may make needed

street and other improvements, an emergency is declared to exist, and this act shall take effect from and after its passage and approval by the Governor.
Neither approved nor disapproved by the Governor.

Emergency.

CHAPTER 108.

AN ACT authorizing the formation of corporations authorized to do a trust, banking and title insurance business.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any number of persons not less than thirteen, may associate to establish a corporation for the purpose of conducting, and it may conduct, both a general banking business, a trust company business and a real estate title insurance business. The capital stock of such corporation shall not be less than one hundred and fifty thousand dollars (\$150,000), of which at least two-thirds (2-3) shall be subscribed and paid in money before said corporation shall commence business, and the remainder shall be subscribed and paid in within eighteen months thereafter. Not less than fifty thousand dollars (\$50,000), and never more than one-third (1-3) or less than one-tenth (1-10) of the total capital stock of any company, organized pursuant to this act, shall be used in its business of real estate title insurance; and one-half of such authorized capital stock, remaining after deducting so much thereof as may be set apart to the department of real estate title insurance, shall be securely invested for the trust business of the corporation, and shall, at all times, be kept separate and distinct from its other assets, and shall be primarily liable for its fiduciary obligations; and the other half of such remainder of the capital stock of the corporation may be used in its business of banking; and its books

Corporation may do banking trust, and real estate title insurance business.

Capital Stock; how divided.

shall be so kept as to show separately at all times the condition of its trust business, the condition of its banking business and the condition of its real estate title insurance business.

Corporations
already orga-
nized may con-
vert stock.

§ 2. Any corporation now doing either a banking or trust business or a banking and trust business combined, or a real estate title insurance business may, with the consent of a majority in number and interest of its stockholders, organize under this act, and its stock, if unimpaired, may be converted into stock in the new corporation, or any one of such corporations may so amend its charter or articles of incorporation conformably to this act and the general law, as to permit it to engage in any one or more of the kinds of business herein mentioned not already authorized or provided for in such charter or articles of incorporation; or any two or more of such corporations now in existence may consolidate under this act into one corporation, stock in which shall be issued for an equivalent amount in value of the stock of the constituent corporations.

§ 3. The provisions of the act entitled "an act providing for the creation and regulation of private corporations," which became a law April 5, 1893, and known as Chapter 32 of the Kentucky Statutes, and the several amendments thereof, and the provisions of the act entitled, "An act to provide for the creation and regulation of real estate title insurance companies," which became a law March 19, 1894, and now known as Subdivision 7, of Article 4, of Chapter 32, of the Kentucky Statutes, and the several amendments thereto, shall, together with this act, govern the formation of, and business conducted by, the corporations provided for by this act: That is, those portions of said acts, and their amendments relating to banks and banking, shall apply to and govern the banking business, and those portions of said acts and amendments relating to trusts and trust companies shall apply to and govern the trust business, and those portions of such acts

and amendments as relate to real estate title insurance shall apply to and govern the real estate title insurance business of the corporation organized under and pursuant to this act.

§ 4. This act shall take effect and be in force, after the expiration of ninety days from and after the final adjournment of the present session of the General Assembly.

Neither approved nor disapproved by the Governor.

CHAPTER 109.

AN ACT to amend an act, entitled "An act to establish a public school in Morganfield, in Union County, Kentucky," approved April 19, 1886.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of an act, entitled "An act to establish a public school in Morganfield, in Union county, Kentucky," approved April nineteenth, one thousand eight hundred and eighty-six, be, and the same is, so amended as to include in said public school district all the lands of T. E. Taylor, consisting of one hundred and thirty acres, more or less, adjacent to the west side of said district, and being the lands conveyed to said T. E. Taylor by J. W. Givens on the eighth day of July, one thousand eight hundred and ninety-three, by deed recorded in Union county clerk's office in deed book forty-five at page two hundred and seventy-nine.

School district
extended to in-
clude certain
territory.

And the said act is further so amended as to include in said public school district all the lands of Mrs. Laura Waller Norton, consisting of forty-four and a half acres, more or less, which are also adjacent to the west side of said district, and being

the same lands conveyed to the said Laura Waller Norton by Mary S. Cargile on the twenty-sixth day of November, one thousand nine hundred and nine, by deed recorded in the same office in deed book sixty-five at page four hundred and fifteen.

And the said act is further so amended as to include in said public school district all the lands of John B. Buchanan, consisting of sixty acres, more or less, adjacent to the north-east side of said district, and being the same lands conveyed to the said John B. Buchanan by Lena Freels, &c., on the second day of March, one thousand nine hundred and one, by deed recorded in the same office in deed book fifty-five at page one hundred.

Neither approved nor disapproved by the Governor.

CHAPTER 110.

AN ACT to amend Section 4645-a Kentucky Statutes (Carroll Edition, 1909), increasing the salary of the Stenographer to the Governor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4645-a, Kentucky Statutes (Carroll edition) be and the same is hereby amended by striking out the words "twelve hundred dollars (\$1,200.00) per annum, payable in monthly installments of one hundred dollars each" of said section and inserting in lieu thereof the words "fifteen hundred dollars (\$1,500.00) per annum, payable monthly in installments of one hundred and twenty-five dollars each," so that said section, when amended, will read as follows:

§ 4645-a. Stenographer for Governor. That the Governor of the Commonwealth of Kentucky is

hereby empowered to employ a stenographer for his own use, at a salary of not exceeding fifteen hundred dollars (\$1,500.00) per annum, payable monthly in installments of one hundred and twenty-five dollars each out of the Treasury of the State, upon the warrant of the Auditor of Public Accounts. Said stenographer shall be subject to removal at the pleasure of the Governor.

Salary of Governor's Stenographer increased

Neither approved nor disapproved by the Governor.

CHAPTER 111.

AN ACT to amend Sub-section 3, of Section 217-a, Article 1, Chapter 16, entitled "Charitable Institutions."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Subsection 3, of Section 217-a, Article 1, Chapter 16, of Kentucky Statutes, be amended as follows: So much of said subsection 3, beginning with the words "The Board shall elect a secretary," and ending with the words "an annual salary of twelve hundred dollars (\$1,200)," be stricken out and in lieu thereof there shall be inserted in said Subsection 3 the following words: "The Board shall elect a secretary who shall hold his office at the pleasure of the Board and who shall receive for his services the sum of one hundred and fifty dollars (\$150.00) dollars per month and his necessary traveling expenses while in the discharge of his duties."

Said Subsection 3, when amended, will read as follows:

Sub-section 3. Compensation of Members—Secretary and Treasurer—Office at Capitol—Meetings of Board—Reports to Governor.—The Board of Control shall elect one of its members president and

Section 217a
Ky. Stats.
Amended.

Salary of secretary to Board of Control increased.

each member shall receive as compensation for his services a salary of two thousand five hundred (\$2,500) dollars per year and his necessary traveling expenses in the discharge of his duties, which expenses shall be itemized and approved by the Board and certified to the Auditor of Public Accounts. The salaries of the members of the Board and employes shall be paid monthly as now paid to other State officials. The Board shall elect a secretary, who shall hold his office at the pleasure of the Board, and who shall receive for his services the sum of one hundred and fifty (\$150.00) dollars per month and his necessary traveling expenses while in the discharge of his duties, and the Board may, in its discretion, select for each institution a treasurer, whose salary shall not exceed five hundred dollars (\$500.00) per annum, and who shall be required to give bond to be approved by the Board of Control, the amount of said bond to be fixed by the Board, for the faithful performance of his duties.

An office shall be provided for the Board at the Capitol, and at least one member of the Board and the secretary shall remain in Frankfort all the time, when not attending a board meeting at some one of the institutions. The Board shall adopt such by-laws and regulations for the transaction of its business and the management of its affairs as it may consider expedient and are not inconsistent with law. The Board of Control shall hold regular meetings at each of the institutions under their control, as provided in this act, at least once in each month and oftener if the interest of the institutions shall require, and shall make a minute and thorough examination of the affairs, management, property, clothing, food, supplies, condition of buildings and ground, and the conduct of each and every official and employe of said institution, of which they shall make a complete record, together with such rules and regulations as they may give. Meetings may be called by the president or any two commissioners

and they shall maintain a vigilant inspection of such institutions and ascertain whether the moneys appropriated for their aid have been judiciously and economically expended and whether the objects of the several institutions are being accomplished and the laws in relation to same fully complied with, and will report in writing to the Governor during the month of October each year the result of their investigations, together with such other information and recommendations as they may deem proper."

Neither approved nor disapproved by the Governor.

CHAPTER 112.

AN ACT to amend Sections 2445 and 2447, Kentucky Statutes, and to provide clerkhire for the Librarian of the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 2445 and 2447 be stricken out and the following enacted in lieu thereof:

§ 2445. The present Librarian shall hold office until the first Monday in June 1912. A Librarian shall be elected by the General Assembly of 1912 and every four years thereafter. The Librarian shall receive an annual salary of eighteen hundred dollars (\$1,800.00), payable in the same manner as the salary of the Governor. The Librarian shall hold office until his successor is elected and qualified.

Salary of Librarian increased.

§ 2447. The Librarian may, with the consent and approval of the Court of Appeals, appoint an assistant librarian, to assist in taking care of the library and other property under the charge of the Librarian, and the discharge of other duties imposed by law upon the Librarian, as such for all of whose acts

Salary of assistant Librarian increased.

as such assistant the Librarian shall be responsible upon his bond; and upon the certificate of the Librarian that such assistant has been appointed, and has discharged the duties required by the Librarian during the month, the Auditor of Public Accounts shall draw his warrant upon the Treasurer on the last day of each month in favor of such assistant for the sum of one hundred and twenty-five dollars (\$125.00).

\$75.00 per month for Clerical help etc.

§ 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated the sum of seventy-five dollars (\$75.00) per month to be disbursed by the Librarian for clerical services and for care of the general library, and other duties in assisting in taking care of the various departments of the library, and other duties imposed by law upon the Librarian. The Auditor of Public Accounts shall draw his warrant upon the Treasurer at the end of each month for seventy-five dollars in favor of such clerk, on certificate of the Librarian that such service has been discharged.

§ 3. That no other assistants for said library be employed at the expense of the State, to be paid out of the State Treasury.

Emergency.

§ 4. By reason of the extra duties imposed on the Librarian, and the division and extension of the library, an emergency is declared and this act shall be in force on its adoption and approval.

Neither approved nor disapproved by the Governor.

CHAPTER 113.

AN ACT to amend Chapter 58 of Session Acts 1908, entitled "An act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States, allowing pharmacists in a foreign State to practice pharmacy in the State of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 58 of Session Acts 1908, entitled "An Act enabling the Kentucky Board of Pharmacy to exchange certificates of registration with other States allowing Pharmacists registered in a foreign State to practice pharmacy in the State of Kentucky," approved March 19, 1908, be amended by striking therefrom Section two of said act, and said act as amended will read as follows:

"The Kentucky Board of Pharmacy is hereby authorized to exchange certificates of registration with other States allowing registered pharmacists of foreign States to practice pharmacy in this State under such rules and regulations as the Kentucky Board of Pharmacy shall determine."

Pharmacist's
Certificates may
be exchanged.

Neither approved nor disapproved by the Governor.

CHAPTER 114.

AN ACT to amend an act entitled "An act for the government and regulation of the Common Schools of this State," approved March 24, 1908.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled "An act for the government and regulation of the common schools of this State," approved March 24, 1908, be and the same is amended as follows:

That Section 3 of said act be repealed and the following be enacted in lieu thereof:

§ 3. On the first Saturday in August after the passage of this act an election shall be held at the school building in each school subdistrict in this Commonwealth from the hours of one until five o'clock in the afternoon for the purpose of electing one trustee for each subdistrict as fixed by Section

School Trus-
tees; how and
when elected.

2 of this act. The trustees then elected shall hold their offices, one-half for one year, and one-half for two years, as shall be determined by lot at the first meeting of the division Board as provided for in Section 4 of this act. Each year thereafter there shall be elected for two years one trustee in each subdistrict in which the term of his predecessor in office will then expire. Said trustees shall serve until their successors are duly elected or appointed and qualified as herein provided.

Eligibility and
qualifications.

Any person shall be eligible to this office of school trustee who is over 21 years of age, and who has been a resident of the subdistrict for which he is elected, for sixty days before the election, and who is able to read and write, as shown by a certificate of five reputable citizens of the subdistrict, and all male persons over twenty-one years of age, who shall have resided in the school subdivision for sixty days next before an election, shall have the right to vote at such election.

All elections for school trustees shall be by ballot. Said ballot shall contain no emblem nor device of any kind by which it may be identified or known, and the ballot shall be printed and furnished by the county clerk of each county, and paid for out of the county levy. But said ballot shall provide blank spaces whereby such electors may vote for or elect another than those whose names are printed upon said ballot.

Officers of elec-
tion.

All nominations for school trustees shall be by petition signed by at least ten persons eligible to vote in elections for such trustees, and no name shall be placed upon any ballot unless such nominating petition is filed with the county clerk of the county in which such election is held at least ten days prior to the date of such election. The officers of said election shall be a clerk and two judges, and shall be appointed by the regular election commissioners in each county and shall receive no compensation for their services. The said officers shall be the

judges of the qualifications of each voter as prescribed in this act and shall certify the returns of the election to the county superintendent of schools within five days after said election.

At the same time and place and by the election officers who conduct the election for subdistrict trustees, an election shall be held for the purpose of electing a visitor for the colored school or schools of the subdistrict. Such visitor shall be nominated and elected in the same manner as the subdistrict trustee, save that the nominating petition shall be signed by colored voters, and that colored voters alone shall be eligible to vote for such visitor. So far as the colored school or schools of the subdistrict are concerned, the duties of the visitor shall be indential with those of the subdistrict trustee, save that such visitor shall not be a member of the Division Board.

Visitor for
Colored Schools
to be elected.

Neither approved nor disapproved by the Governor.

CHAPTER 115.

AN ACT to amend an act entitled, "An act creating the thirty-first judicial district of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and a commonwealth's attorney, and changing the twenty-third and twenty-fourth districts of Kentucky, so as to provide for said thirty-first district, and fixing the time for holding the courts in said twenty-third and twenty-fourth districts," which Act was approved March 21, 1904.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That paragraphs two and three of Section 4 of an act approved March 21, 1904, entitled, "An act creating the thirty-first district of Kentucky, fixing the time of holding the courts thereof, providing for the election of a circuit judge and a com-

monwealth's attorney, and changing the twenty-third and twenty-fourth districts of Kentucky so as to provide for the said thirty-first district, and fixing the time for holding the courts in the said twenty-third and twenty-fourth districts;" and being that part of said act fixing the terms of court in said twenty-fourth and thirty-first districts, be, and the same is hereby amended by striking out the word "twenty-four" in the third line of paragraph two and substituting therefor the word "thirty-six;" and by striking out the word "twenty-four" in line six of said paragraph two and substituting therefor the word "eighteen;" and by striking out the word "twenty-four" in line eight of said paragraph two and substituting therefor the word "eighteen;" and also by striking out the word "eighteen" in line six of paragraph three and substituting therefor the word "twenty-four," so that said paragraphs two and three of said act, as so amended, shall read as follows:

24th Judicial
District.

§ 2. "Twenty-fourth District, Pike county on the third Monday in February, April and September, and continue forty-two juridical days each term; Johnson county at Paintsville, on the first Mondays succeeding the termination of the Pike terms and continue twenty-four juridical days. Martin county at Inez, on the first Monday succeeding the Johnson terms and continue twelve juridical days each term.

31st Judicial
District.

§ 3. "Thirty-first District, Magoffin county at Salyersville on the first Monday in February, first Monday in June, and first Monday in October, and continue eighteen juridical days each term. Floyd county at Prestonsburg on the Mondays succeeding the termination of each Magoffin term, and continue twenty-four juridical days each term. Knott county at Hindman on Mondays succeeding the termination of each Floyd term and continue eighteen juridical days each term."

§ 4. Whereas, litigation has greatly increased in the counties of Floyd and Pike, and the dockets of

said courts are congested, and the length of terms provided for said courts is insufficient to dispose of the litigation in said counties, and there are many cases that should be tried, an emergency is declared to exist, and this act shall take effect from its passage.

Emergency.

Neither approved nor disapproved by the Governor.

CHAPTER 116.

AN ACT to amend Section One Thousand, Eight Hundred and Fifty, Kentucky Statutes, Edition of 1909.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1850, Kentucky Statutes, Edition of 1909, be and the same is hereby amended by adding at the conclusion of said section the following words and figures, to-wit:

“And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the County Judge to cause to be entered upon the minutes of the Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said Board, it shall be and become the duty of the County Judge to appoint such officer or employe, and such appointee shall have all the qualifications required by law of such officer or employe, and shall hold his office for the full term provided

Words added.

by law, and until his successor is elected and qualified."

Said section when so amended will read as follows:

Ky Stats, Sec.
1860 as Amended.

§ "1850. Laws Applicable to Commissioners—vacancy—how filled. All the provisions of this article governing fiscal courts composed of the judge of the county court and justices of the peace shall be applicable to and govern fiscal courts, composed of three commissioners and the judge of the county court, except that when the county judge is unable to call a special session, and it is necessary that one be called, then two commissioners may call the same, if, in their opinion, the necessity exists therefor. Any vacancy occurring in the office of commissioner shall be filled in the same manner as vacancies in the offices of justices of the peace are filled. And whenever there shall be a tie vote in said Board of Commissioners upon the question of the election of any officer or employe to be elected or employed by said Commissioners, and a deadlock shall result and said tie vote or deadlock shall continue for a period of not less than fifteen (15) days, it shall thereupon be and become the duty of the county judge to cause to be entered upon the minutes of the Board of Commissioners, an order reciting the facts as to said deadlock or tie vote, and the question upon which the same has occurred and exists, and thereupon unless an election is immediately had by said Board, it shall be and become the duty of the county judge to appoint such officer or employe and such appointee shall have all the qualifications required by law of such officer or employe, and shall hold his office for the full term provided by law, and until his successor is elected and qualified."

County Judge
to appoint Com-
missioner in
case of tie.

Emergency.

§ 2. Inasmuch as the Board of Commissioners consists of four members and tied votes and deadlocks have resulted and will continue to result, an emergency is hereby declared to exist and this act shall

take effect from and after its approval by the Governor.

Neither approved nor disapproved by the Governor.

CHAPTER 117.

AN ACT to declare lawful agreements to abstain growing crops of any given kind for any definite period.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the growers of any kind of farm products to agree to abstain from growing any kind of crops for any given period or season.

Neither approved nor disapproved by the Governor.

CHAPTER 118.

AN ACT to amend and re-enact Section 20, of Chapter 65 A, of Kentucky Statutes of 1903; to provide for the maintenance of the House of Reform for Boys and the House of Reform for Girls and the inmates thereof, and to provide for the payment into the State Treasury of the revenue derived from said Houses of Reform.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 20, of Chapter 65-a, of the Kentucky Statutes of 1903, be and the same is amended by striking out subsections 1 and 2 thereof and so amending the same as that said section as amended will read as follows:

Chapter 65a
Ky. Stats.
Amended.

§ 20. The children of white and colored races committed to said institutions shall be provided with separate apartments.

§ 1. The superintendent of the Houses of Reform shall, when, and as the same are received, pay into the State Treasury, the proceeds of the labor of the inmates and all other income and receipts of the said institutions and take receipts therefor.

Expenses of
House of Re-
form to be paid
out of Treasury.

§ 2. The expenses of the said institutions shall be paid out of the State Treasury. The superintendent thereof shall, at the end of each month certify to the Board of Penitentiary Commissioners all bills, accounts and other indebtedness and expenses of the institution, or on behalf of the inmates thereof, incurred during the preceding month, including the salaries of all officers and employes thereof; and shall furnish said Board itemized statements of all such claims, and upon approval thereof by the Board of Penitentiary Commissioners, certified by the chairman thereof, the Auditor of Public Accounts shall draw his warrant in favor of the claimant therefor on the State Treasury, and same shall be paid.

§ 3. But it shall be lawful for the said superintendent to use and apply, in kind, to the maintenance of the said institutions and inmates thereof any and all the products of the farm, dairy and other departments or industries of the institutions.

Neither approved nor disapproved by the Governor.

CHAPTER 119.

AN ACT repealing the charter of the Dycusburg Public School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled, "An act for the better organization of the public schools in the Dycusburg

common school district, in the county of Crittenden," which act was approved March 19, 1878, be and the same is hereby repealed and said corporation is hereby dissolved.

§ 2. This act shall take effect and be in full force and effect from and after its passage.

Neither approved nor disapproved by the Governor.

CHAPTER 120.

AN ACT to amend Section 1697, Subdivision 1, of Article 15, Chapter 46, of the Kentucky Statutes, Carroll's Edition of 1903, entitled "Executions."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1697, being Subdivision 1 of Article 15, Chapter 46; of the Kentucky Statutes, Carroll's Edition of 1909, be and the same is hereby amended by striking therefrom the words:

"If not on hand, other personal property, wages, money or growing crops, not to exceed forty dollars in value for each member of the family;"

Words stricken out.

And by adding, at the end of said section, after the words "other cooking utensils, not to exceed in value twenty-five dollars," the words:

"Ninety per-centum of the salary, wages, or income earned by labor, of every person earning a salary, wages, or income of seventy-five dollars or less per month, provided that the lien created by service of garnishment, execution, or attachment, shall only affect ten per centum of such salary, wages or income, earned at the time of service of process; of the salary, wages, or income earned by labor, of every person earning a salary, wages or income in excess of seventy-five dollars per month,

Words added.

sixty-seven and one half dollars per month and no more shall be exempt."

So that said section when so amended, shall read as follows:

Ky. Stats. Sec.
1897 Amended.

Property ex-
empt from ex-
ecution.

"The following property of persons with a family resident in this Commonwealth, shall be exempt from execution, attachment, distress, or fee-bill, namely: Two work beasts, or one work beast and one yoke of oxen; two plows and gear; one wagon and set of gear, or cart or dray; two axes, three hoes, one spade, one shovel; two cows and calves; beds, bedding and furniture sufficient for family use; one loom and spinning wheel and pair of cards; all the spun yarn and manufactured cloth manufactured by the family necessary for family use; carpeting for all family rooms in use; one table; all books not to exceed seventy-five dollars in value; two saddles and their appendages; two bridles; six chairs, or so many as shall not exceed ten dollars in value; one cradle; all the poultry on hand; ten head of sheep, not to exceed twenty-five dollars in value; all wearing apparel; sufficient provisions, including bread-stuff and animal food to sustain the family for one year; provender suitable for live stock, if there be any such stock, not to exceed seventy dollars in value; and if such provender be not on hand, such other property as shall not exceed such sum in value; all washing apparatus, not to exceed seventy-five dollars in value; one sewing machine, and all family portraits and pictures; one cooking stove and appendages, and other cooking utensils not to exceed in value twenty-five dollars; ninety per centum of the salary, wages, or income earned by labor, of every person earning a salary, wages, or income of seventy-five dollars or less per month, provided that the lien created by service of garnishment, execution, or attachment, shall only affect ten per centum of such salary, wages, or income, earned at the time of service of process; of the salary, wages, or income earned by labor, of every person earning a

salary, wages or income in excess of seventy-five dollars per month, sixty-seven and one-half dollars per month and no more shall be exempt:" Provided, that these amended exemptions shall only apply in actions brought upon contracts entered into after the effective date of this act, and no provision of this law shall be construed to make it retroactive in effect.

Neither approved nor disapproved by the Governor.

CHAPTER 121.

AN ACT to further regulate the pooling of farm products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby declared lawful for any number of persons to combine, unite or pool any or all of the crops of wheat, tobacco, corn, oats, hay or other farm products raised by them, or proposed to be raised by them, whether or not the said crops have been sown, set, pitched or planted, for the purpose of classifying, grading, storing, holding, selling or disposing of same, either in parcels or as a whole, in order or for the purpose of obtaining a greater or higher price therefor, than they might or could obtain or receive by selling said crops separately or individually.

Products may
be pooled.

§ 2. Whereas, It is greatly to the interest of the farmers of the Commonwealth and the public generally that the privilege defined in Section 1 of this act should be speedily declared, an emergency is declared to exist and this act shall take effect from and after its passage.

Emergency.

Neither approved nor disapproved by the Governor,

CHAPTER 122.

AN ACT to amend Section 4748-b, Subsection 5, Carroll's Edition of the Kentucky Statutes of 1909, entitled Fiscal Court to acquire roads if proposition carries—tax levied and disposition thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4748b, Subsection 5, Kentucky Statutes, be and the same is hereby amended by adding thereto the following: But the Fiscal Court of any County in the State containing a city of the second class may acquire by purchase any turnpike road, or part thereof, without the election herein provided for: Provided, such Fiscal Court shall not expend more than \$10,000.00 in such purchase in any one year.

Neither approved nor disapproved by the Governor.

CHAPTER 123.

AN ACT providing that eight hours shall constitute a day for laborers and mechanics employed on all public works in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Persons engaged on public work to work only eight hours.

§ 1. That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Commonwealth of Kentucky, or by any contractor or sub-contractor, upon any of the public works of the Commonwealth of Kentucky,

is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the Commonwealth of Kentucky or any such contractor or sub-contractor, whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency.

§ 2. That any officer or agent of the Commonwealth of Kentucky, or any contractor or sub-contractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the Commonwealth of Kentucky, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed five hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Penalty for
violation of Act.

Neither approved nor disapproved by the Governor.

CHAPTER 124.

AN ACT to require owners of stock living on islands of the Mississippi River within jurisdiction of Kentucky to keep up river stock.

Whereas, owing to high waters in the Mississippi river, the islands in same are annually overflowed and the fencing carried away, and to replace same is a great expense to the owners of land on said island, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That on islands in the Mississippi river in the

Provision as to
stock on islands
in Mississippi
River.

jurisdiction of Kentucky it shall not be required to enclose land with a lawful fence, but that on said island the stock must be kept in inclosures by the owners thereof, and the owners permitting any stock running at large shall be liable for any damage said stock may do.

An island within the meaning of this act is defined to be a body of land in the Mississippi river wherein the channel of the river is between the island and the mainland of Kentucky.

Emergency.

By reason of the fact that the fencing on said land on said islands cannot be made permanent, an emergency is declared to exist, this act is to take effect from and after its passage.

Neither approved nor disapproved by the Governor.

CHAPTER 125.

AN ACT amending Section 684, of Sub-division IV, of Article IV, Chapter 32, of the Kentucky Statutes, 1903, pertaining to insurance.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fire Insurance
Stock may be is-
sued in shares of
\$10.00.

§ 1. That so much of section 684, of sub-division IV, of article IV, of chapter 32 of Kentucky Statutes, which reads that the capital stock of fire insurance companies "shall be divided into shares of one hundred dollars each," be, and the same is hereby amended by striking out the words "shall be divided into shares of one hundred dollars each," and inserting in lieu thereof the words "shall be divided into shares of ten dollars each."

Neither approved nor disapproved by the Governor.

RESOLUTIONS.

SENATE RESOLUTION NO. 3.

RESOLUTION concerning the State University and Carnegie Foundation.

Whereas, Mr. Andrew Carnegie has made provision for the admission of State Colleges and Universities as beneficiaries of the Carnegie Foundation for the Advancement of Teaching, on the conditions following, viz: First. That the Board of Trustees of the State College or University which desires to become a beneficiary make formal application to the Carnegie Foundation for the Advancement of Teaching to be placed upon the list of beneficiaries thereof. Second. That this application receive the formal sanction and endorsement of the Governor of the State in which the institution is established. Third. That the application thus made by the Board of Trustees and endorsed by the Governor shall receive the assent and approval of the Legislature of the State within whose boundaries the College or University is established. And whereas, the first and second of these conditions have been complied with, viz: Formal application by the Board of Trustees of the State University, situated in Lexington, Kentucky, and owned and controlled by the Commonwealth of Kentucky; and the sanction and endorsement of his Excellency, Augustus E. Willson, Governor of Kentucky;

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

One. That the General Assembly now in session at Frankfort, the seat of government of this Commonwealth, do hereby approve and sanction the action of the Board of Trustees of the State Univer-

ACTS OF THE GENERAL ASSEMBLY

sity aforesaid as embodied in the resolution passed by the said Board of Trustees of date December eighth, one thousand nine hundred and eight.

Two. That a certified copy of this resolution be sent to Dr. Henry S. Pritchett of the Carnegie Foundation for the Advancement of Teaching, Five hundred and seventy six, Fifth Avenue, New York City, New York.

Approved January 28, 1910.

SENATE RESOLUTION NO. 4.

RESOLUTION to provide the members of the Senate and House and and President of the Senate with copies of the Kentucky Statutes and Codes of Practice and Official Manual.

Whereas, it is necessary for the members of the General Assembly, in the proper and efficient discharge of their duties during the session of the Legislature to have a ready reference to the laws heretofore enacted and which are now in force as the laws of the Commonwealth of Kentucky;

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

First. That the State Librarian be and is hereby directed to purchase and furnish to each member of the House and Senate and to the President of the Senate and the Speaker of the House *with* a copy each of the latest edition of the Kentucky Statutes and Codes of Practice, and the Acts of the nineteen hundred and six and nineteen hundred and eight Legislatures for their use during this session of said body. Same to remain the property of the State of Kentucky and to be returned to the State Librarian at the end of the session.

Second. That the State Librarian is hereby further authorized and directed to purchase at not exceeding one dollar per copy four hundred copies of the book entitled "Official Manual" for the use of the Courts, State and County officials and members of the General Assembly of Kentucky. The Librarian will furnish the members of the General Assembly and such officials thereof as may be designated by the presiding officers of the respective Houses, a copy of the same and will furnish the State officials with copies thereof and send a copy thereof to the Clerk of the County Court of each county in the State to be kept in his office. The Librarian will furnish to the Librarian of each State and Territory in the Union a copy of said book in exchange for similar books from the said States and Territories and a copy to the Librarian of Congress.

Third. It being necessary that the officials should have the books herein provided for, an emergency is declared to exist, and this resolution shall be in force upon its approval by the Governor, Provided, however, that the members and officials who are entitled to the Kentucky Statutes hereunder, shall be entitled to his choice of Editions of said Statutes, by indicating his preference in writing to the Librarian.

Approved January 28, 1910.

SENATE RESOLUTION NO. 9.

RESOLUTION providing for the adoption of the Legislative Digest as the Official Publication of this General Assembly and to purchase copies of same for the Members of the General Assembly and certain officials.

Whereas, It is a matter of importance and convenience that each Senator and Representative be advised as to the various and detailed steps of legislation; and,

Whereas, It is of proper concern that the citizenry of the State be cognizant of those legislative matters affecting them in person and property; and,

Whereas, There is a publication under the editorship and management of competent and experienced persons known as "The Legislative Digest," the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to all matters affecting them in an intelligent, useful and prompt manner; therefore, be it

Resolved, By the Senate of Kentucky, the House of Representatives concurring, that the purpose of The Legislative Digest be approved, and the same be adopted as the official publication of this General Assembly; that the publishers are hereby directed to furnish daily a copy to each member and Chief Clerk of the General Assembly and one to the head of each State Department; that the publishers are allowed the sum of ten dollars (\$10.00) for each subscription for the session, and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for said amount when such service has been concluded.

Neither approved nor disapproved by the Governor.

SENATE RESOLUTION NO. 13.

RESOLUTION providing for the appointment of Commissioners to arrange for Kentucky's participation in the celebration of the Centennial Anniversary of the Battle of Lake Erie.

Whereas, The Centennial Anniversary of the Battle of Lake Erie, which witnessed the momentous triumph of Commodore Oliver Hazard Perry and his gallant men in the crowning struggle of the War of One thousand eight hundred and twelve, and at

the same time rendered possible the successful conclusion of the military operations under General William Henry Harrison in the same year, will occur in the year one thousand nine hundred and thirteen; and

Whereas, The State of Ohio, by action of her executive and legislative authorities has formulated preliminary plans to celebrate this anniversary in a fitting manner by means of an historical and educational exposition, and the erection of a permanent memorial at Put-in-Bay Island during the summer of one thousand nine hundred and thirteen, and has created a Board of Commissioners to carry said plans forward, and to invite therein the co-operation of the States bordering on the Great Lakes, and the States of Rhode Island and Kentucky; and

Whereas, The States of Pennsylvania, Michigan, Illinois, Wisconsin and New York have already joined the State of Ohio in the aforesaid enterprise by the appointment of five Commissioners each, to co-operate therein, while similar legislation is pending in the State of Rhode Island; and

Whereas, legislation is pending in the Congress of the United States having in view the like co-operation of the National Government therein, THEREFORE BE IT RESOLVED, if the House of Representatives concur, that the Governor be and hereby is authorized to appoint a Commission of five members, composed of citizens of the State of Kentucky, to consult and co-operate in this laudable enterprise with the Commissioners of Ohio and such other States as are now participating and may in future participate in the proposed celebration. The Commissioners thus appointed will serve without compensation, and make report to the governor of Kentucky relative to the progress of the objects in view prior to the session of the General Assembly in the year one thousand nine hundred and twelve.

Approved March 7, 1910.

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SENATE RESOLUTION NO. 15.

RESOLUTION providing for the appointment of a Committee to devise a plan to redistrict the State into Appellate, Congressional, Judicial and Legislative Districts.

Whereas the Constitution of the State requires that the State shall be redistricted into Appellate, Congressional, Judicial and Legislative Districts every ten years, and

Whereas the last redistricting law passed by the Legislature has been declared void, and

Whereas more than ten years have elapsed since the present Districts of the State were made, and,

Whereas the Federal Government has begun the taking of a new census which will be completed before the regular meeting of the next General Assembly of the State, and

Whereas it is desirable that accurate information concerning the population of the State and each District thereof be obtained for the benefit of the members of the General Assembly in forming a bill or bills for the purpose of re-districting the State into Appellate, Congressional, Judicial and Legislative Districts.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That a committee is hereby created to consist of eight members to be composed of the Lieutenant Governor, Speaker of the House and three members from the Senate, two to be appointed by the Rules Committee of the Senate and one by the Lieutenant Governor, and three members of the House to be appointed by the Speaker of the House, one of whom shall be a Republican recommended by the Lieutenant Governor. The Committee shall examine into the conditions of the various

Appellate, Congressional, Judicial and Legislative Districts of the State and prepare a report as to the population of each district now in the State; also a report as to the population of each proposed district. They shall also prepare a bill or bills re-districting the State as contemplated by the Constitution. They shall submit their report to the Governor thirty days before the meeting of the next General Assembly. The Governor of the Commonwealth shall transmit the report of the Committee and any bills or suggestions that they may make, to the next session of the General Assembly.

2d. Said Committee shall receive for their services five dollars per diem and actual expenses incurred while in session provided they shall not be paid for more than fifteen days; and the Auditor of Public Accounts is directed on the filing of itemized and certified accounts of such per diem and expenses to draw his warrant upon the Treasurer for payment of same.

Neither approved nor disapproved by the Governor.

SENATE RESOLUTION NO. 17.

RESOLUTION changing the name of the public road leading from Louisville to Elizabethtown, Kentucky, now known as the Louisville and Nashville pike, and from Elizabethtown through Hodgenville, Kentucky, to the Lincoln Farm in Larue County, Kentucky.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the name of the public road leading from Louisville, Kentucky, to Elizabethtown, Kentucky, known as the Louisville and Nashville pike, and from Elizabethtown, Kentucky, through Hodgenville, Kentucky, to the Lincoln Farm in Larue County,

Kentucky be changed to the Lincoln Way, and said road from Louisville to the Lincoln Farm shall hereafter be designated and known as the "Lincoln Way".

Approved March 9, 1910.

SENATE RESOLUTION NO. 18.

RESOLUTION for the payment of certain contingent expenses of this General Assembly of the Commonwealth of Kentucky and providing the mode of payment thereof and ratifying and approving the action of the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Senate in employing certain employes in said House and Senate by which said contingent expenses were incurred.

Whereas, At the beginning of the present General Assembly of the Commonwealth of Kentucky it was discovered that owing to the situation of the new Capitol building and the arrangement thereof and the construction of the Senate Chamber and the House of Representatives, the business of the General Assembly could not be expeditiously and efficiently conducted by and with the assistance alone of the number of officers and employes provided for in Section 249 of the Constitution and Section 1988, Kentucky Statutes; and

Whereas, The Sergeant-at-Arms of the House of Representatives was directed and authorized by resolution of said House to employ such additional employes as were required to properly and expeditiously attend to the business of the House, to wait on the members thereof while engaged upon the State's business, to care for and protect the property of the State used by the members, to look after the various committee rooms, care for the property of the members and the cloak room, and to keep the chamber in a cleanly and comfortable condition; and

Whereas, The said Sergeant-at-Arms of the House

of Representatives did employ the following employes for the purposes aforesaid, under the authority vested in him by said resolution, viz: 4 assistant door-keepers at \$5.00 per day each; 1 stenographer to Chief Clerk at \$5.00 per day; 1 stenographer of the House at \$5.00 per day; 1 bill clerk at \$4.00 per day; 2 mail clerks at \$3.00 per day each; 5 messengers at \$2.50 per day each; 1 porter at \$2.00 per day, and 1 copyist at \$4.00 per day; and,

Whereas, The Sergeant-at-Arms of the Senate was authorized by resolution to employ such additional assistants or employes as were required to properly and expeditiously attend to the business of the Senate, wait on the members thereof while engaged upon the State's business, to care for and protect the property of the State used by the members of the Senate, to look after the various committee rooms, cloak rooms, &c., connected therewith; and,

Whereas, The said Sergeant-at-Arms of the Senate did employ the following help and employes for the purposes aforesaid, under the authority vested in him as aforesaid, viz: 1 reader at \$5.00 per day; 1 mail clerk at \$5.00 per day; 2 copyist at \$4.00 per day each; 2 special messengers at \$2.50 per day; 2 door-keepers at \$5.00 per day each; 2 stenographers at \$5.00 per day each; 1 bill clerk at \$5.00 per day; 1 page for President of Senate at \$2.50 per day; and 1 Clerk of Committee on Rules at \$5.00 per day; and,

Whereas, under Section 1992, Kentucky Statutes, it is provided that: "No other employes shall be elected, appointed, employed or paid for without the joint action of the two Houses" other than those mentioned in the Constitution, and no such joint action having been heretofore had, authorizing the employment of the additional help, as aforesaid, and it being the opinion of this General Assembly that it was necessary and proper for the Sergeant-at-Arms of the House and of the Senate to employ all

of the help hereinbefore mentioned, and that the same was a necessary and unavoidable contingent expense of said House and Senate:

Therefore, Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the action of the Sergeant-at-Arms of the House of Representatives and the action of the Sergeant-at-Arms of the Senate, in contracting for and employing the number and character of employes and help set forth in the preamble hereto be, and the same is hereby approved and ratified, and all of said expenses so incurred in the employment of said employes in the transaction of the business and conduct of the proceedings of this General Assembly, and the Chief Clerk of the House and the Chief Clerk of the Senate are hereby authorized and directed to certify to the Auditor of Public Accounts the correctness of all claims against the Treasury incurred by the Sergeant-at-Arms of either of said Houses, as contemplated herein.

§ 2. The Sergeant-at-Arms of the House and the Sergeant-at-Arms of the Senate shall furnish to the Chief Clerk of their respective Houses a list of all said employes, showing the number of days worked by each and the amount due each of said employes, and upon this certification the clerk of each of said Houses shall draw a voucher to each of said employes upon the Auditor of Public Accounts for the amount due each of said employes, and for which amount the Auditor shall draw his warrant upon the Treasurer, payable to said employes respectively, and to be paid out of any money in the Treasury to the credit of the general expenditure fund, not otherwise appropriated.

§ 3. It appearing that the employes referred to herein have rendered valuable services to the Commonwealth, for which they have not been paid, and that all of them are in need of their money to pay their expenses while so employed, an emergency is

hereby declared to exist, and this resolution shall take effect upon its adoption.

Approved March 10, 1910.

HOUSE RESOLUTION NO. 4.

RESOLUTION ratifying the 16th Amendment to the Constitution of the United States.

1. Whereas, the Congress of the United States on July —, 1909, adopted a Joint Resolution, proposing an amendment to the Constitution of the United States, as follows:

“RESOLVED, by the Senate and the House of Representatives of the U. S. A., in Congress assembled, two-thirds of each house concurring therein, that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes, as a part of the Constitution.”

ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes from whatever source derived, without apportionment among the several States, and without regard to any census, or enumeration.” And the foregoing proposed amendment having been laid before the Legislature of the State of Kentucky, for consideration and action;

NOW, THEREFORE, BE IT RESOLVED, by the General Assembly of the Commonwealth of Kentucky, that the foregoing amendment to the Constitution of the United States be, and the same is hereby ratified to all intents and purposes, as a part of the Constitution of the United States.

2. That the Governor of this State is hereby re-

quested to forward to the President of the United States an authentic copy of the foregoing joint resolution.

HOUSE RESOLUTION NO. 11.

RESOLUTION for the benefit of the Ministers of the Gospel of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of \$350 is hereby appropriated out of any money in the treasury not otherwise appropriated, to the ministers of the Gospel of Frankfort who have opened the sessions of the House and Senate with prayer during this session of the General Assembly, said sum to be paid by the Auditor on the joint warrant of the Chief Clerks of the Senate and House of Representatives, who will distribute said sum to the ministers entitled to same.

Provided, That said sum of \$350 shall be paid one-half to the Clerk of the House, and one-half to the Clerk of the Senate, to be distributed by them to the ministers entitled to same.

§ 2. Whereas, it is but just and fair that these services should be paid for promptly, an emergency is declared to exist and this resolution shall take effect from and after its adoption.

Approved March 9, 1910.

HOUSE RESOLUTION NO. 15.

RESOLUTION inviting the Governor's Conference to hold their next meeting in the new Capitol at Frankfort, Ky.

Resolved by the House of Representatives of Kentucky, the Senate concurring, that the Governors of all of the States and Territories of the United States are cordially and earnestly invited to hold their next meeting in the new Capitol at Frankfort. We stand by the Governor in a heartfelt invitation from the people of Kentucky to the Governors who will represent the sister States and Territories, and shall welcome the chance which the Conferences of Governors will give to promote cordial and hospitable good will between the States and to bring to the consideration of the legislatures measures to promote uniform laws on subjects of common and universal interest. Resolved that the Governor be authorized to appoint Committees to make all necessary arrangements for suitable entertainment of visiting Governors, some of whom will have a homecoming and all of whom will be welcomed to the Old Kentucky Home and old Kentucky homes.

Approved February 11, 1910.

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